



**North Carolina Department of Transportation**

## **Northern Durham Parkway Alternative Evaluation**

**Prepared by  
H.W. Lochner, Inc.**

**April 2002**

## **EXECUTIVE SUMMARY**

North Carolina Department of Transportation Secretary Norris Tolson committed to the Durham City Council and the Durham Board of County Commissioners that NCDOT would evaluate the Northern Durham Parkway to the same level of detail as the preliminary alternatives evaluated in the State Draft Environmental Impact Statement for the Durham Northwest and Northeast Loop.

The Durham Joint City-County Planning Committee developed the Northern Durham Parkway and associated road improvements in response to public opposition to the Durham Northwest and Northeast Loop. The Durham City Council and the Board of Commissioners endorsed the Northern Durham Parkway as a substitute for the Durham Northwest and Northeast Loop in June 1999 Resolutions.

The Northern Durham Parkway begins at US 70 at the proposed extension to Aviation Parkway and follows NCDOT's preferred alternate for the Northwest and Northeast Loop (Alternate 3) to Hamlin Road. The Parkway follows Hamlin Road to Red Mill Road and Red Mill Road to SR 1004. A new roadway links Red Mill Road with Roxboro Road, extending across the Little River and passing north of existing Snow Hill Road. The Parkway then follows existing Roxboro Road/Duke Street south to I-85. The Northern Durham Parkway is approximately 25.5 miles in length.

Three key factors were evaluated to determine if the Northern Durham Parkway could potentially substitute the preferred alternate for the Northwest and Northeast Loop. These three key factors are:

- A. Is the Northern Durham Parkway eligible for funding by the 1989 Highway Trust Fund Act as a "loop project"?
- B. Is the Northern Durham Parkway supported by federal and state environmental regulatory and resource agencies?
- C. Does the Northern Durham Parkway meet the purpose and need of reducing travel demand and relieving traffic congestion on the existing and planned arterial roadway network?

Based on a review of the 1989 Highway Trust Fund Act, the North Carolina Special Deputy Attorney General, Robert O. Crawford, III determined that *"In order for Highway Trust Fund money to be used to fund improvements to existing corridors for the Durham Northern Loop, the project must meet the legislative description of a 'multilane facility on new location from I-85 west of Durham to US 70 east of*

*Durham.” Mr. Crawford added that in his “...opinion...the MPO proposal (Northern Durham Parkway)...is inconsistent with the legislature intent.”*

The environmental resources within the project area were inventoried and evaluated. It was determined that the Northern Durham Parkway could have a significant impact on the human and natural environments. The comments received from the federal and state environmental resource and regulatory agencies are consistent with this determination. The primary concerns expressed by the agencies involved the impacts to the Falls Lake State Park and Wildlife Refuge owned by the US Army Corps of Engineers. The Falls Lake State Park and Wildlife Refuge is a mitigation site that was designated to replace the land flooded by Falls Lake. The use of any of these lands for transportation purposes would require the approval from the US Army Corps of Engineers and the acquisition of replacement lands. In addition, the NC Wildlife Resource Commission stated their concerns that the proposed Parkway could compromise their management plans for the wildlife refuge and game lands.

The purpose of and need for the Northwest and Northeast Loop as stated in the Durham-Chapel Hill-Carrboro Thoroughfare Plan is to relieve congestion on arterial routes in Durham. The No-Build Alternative and the Northern Durham Parkway Alternative were compared using the approved Triangle Regional Traffic Model to determine the transportation services provided by the Northern Durham Parkway. Based on the comparison of the traffic projections for the design year 2025 for these two alternatives, the Northern Durham Parkway does not relieve a substantial amount of traffic from the arterial routes in western Durham County. The Northern Durham Parkway serves the northern areas of Durham County and Person County but does not provide a route west of Durham to relieve major routes such as Cole Mill Road, Guess Road, and Roxboro Road.

Therefore, the NCDOT concludes that the Northern Durham Parkway does not warrant detailed study as a substitute for the Northwest and Northeast Loop. The answers to the three key factors evaluated for the Northern Durham Parkway are:

- A. The Northern Durham Parkway is not eligible for funding by the 1989 Highway Trust Fund Act as a loop project,
- B. The Northern Durham Parkway in the area northeast of Hamlin Road could have significant impacts to the natural and human environment and is unlikely to be supported or permitted as the “Least Environmentally Damaging Practicable Alternative (LEDPA)” by the federal and state environmental regulatory agencies, and

- C. The Northern Durham Parkway north of Hamlin Road would not significantly reduce travel demand or relieve traffic congestion on existing and planned arterial routes. Therefore, the Northern Durham Parkway is inconsistent with the transportation purpose and need for a loop roadway in northern Durham.



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## **I. Introduction**

The purpose of this report is to present the results of the Alternate Evaluation for the Northern Durham Parkway in Durham County, North Carolina. The following sections outline the history of the project, present the key issues evaluated for the Northern Durham Parkway, and respond to the local resolutions proposing the Northern Durham Parkway with other transportation improvements as an alternative to the Durham Northwest and Northeast Loop.

Copies of the North Carolina Department of Transportation correspondence and the City and County resolutions referenced in this report are included in Appendices A and B, respectively. Additional sources of information that were used in the preparation of this report are listed as references at the end of the report.

## **II. Project History and Status**

The Northern Durham Parkway Alternative was developed in 1999 by the Durham Joint City-County Planning Committee in response to public concerns with the alternatives studied in the Draft Environmental Impact Statement for the Durham Northwest and Northeast Loop. The following sections outline the historic chronology of the events that occurred during the planning stages for the Durham Northwest and Northeast Loop and the Northern Durham Parkway.

### **A. Durham Northwest and Northeast Loop**

The need for a transportation facility in northern and eastern Durham was first identified in the 1967 Durham Urban Area Long Range Thoroughfare Plan and was known as *Eno Drive - Gorman Road*. Conceptual design plans were prepared in the late 1960s to assist authorities in planning for the facility. The proposed location of the *Eno Drive - Gorman Road* corridor remained relatively unchanged throughout the 1970s and 1980s, and was incorporated into each of the Durham Area Thoroughfare Plans from 1967 through 1991. The project was never advanced beyond the thoroughfare planning stage because of a lack of available funds to construct the facility.

In the late 1980s, the North Carolina General Assembly enacted legislation which would take full advantage of the nation's expanding economy and attract new industry to the state. The Legislature's Joint Transportation Oversight Committee determined the state would realize significant economic benefits from improving North Carolina's "primary transportation corridors" and constructing urban loops around seven of the state's major metropolitan areas.

Based on the Committee's findings, the 1989 Highway Trust Fund Act was passed. The "Durham Northern Loop" was described in the Act as a "multilane facility on new location from I-85 west of Durham to US 70 east of Durham." In 1990 the Durham City Council passed a resolution requesting that the North Carolina Department of Transportation (NCDOT) prepare an Environmental Impact Statement to determine the most feasible corridor location for the proposed urban loop.

In 1991, the NCDOT initiated a corridor planning study and the development of an Environmental Impact Statement for Eno Drive - Gorman Road in accordance with the North Carolina Environmental Policy Act. Eno Drive - Gorman Road was listed in the North Carolina Department of Transportation's 1995-2001 Transportation Improvement Program (TIP) and subsequent TIPs as TIP project Nos. R-2630 and R-2631 and labeled the Durham Northwest Loop and the Durham Northeast Loop, respectively. TIP Project No. R-2630, the Durham Northwest Loop, extends from I-85 west of Durham, near the Durham - Orange County line, to I-85 northeast of Durham. TIP Project No. R-2631, the Durham Northeast Loop, extends from I-85 northeast of Durham to US 70 near the Durham - Wake County line.

The corridor planning study considered the beneficial and adverse impacts of the No-Build Alternative, the Mass Transit Alternative, the Transportation Systems Management Alternative, and 432 Build Alternatives. Preliminary Build Alternatives were developed from four major corridors and more than one dozen connecting corridors. Combining selected major corridors with various connecting corridors produced over 1900 preliminary Build Alternatives north and south of the Eno River. An environmental screening was conducted on the major and connecting corridors to identify which of the preliminary Build Alternatives would be studied in detail. The three major corridors and multiple connecting corridors south of the Eno River were selected for detailed study. The major corridor and connecting corridors north of the Eno River were eliminated from further consideration.

From 1991 to 1994, the Build Alternatives were studied in detail in order to determine the significance of each alternative's potential impact on the human and natural environments. The NCDOT held twenty-two (22) informational meetings and workshops to present the study findings to the public and receive comment on the project alternatives.

The State Draft Environmental Impact Statement (SDEIS) documenting the human and natural environmental impacts of the No-Build Alternative and 432 Build Alternatives was approved in October 1994. The Corridor Public Hearings were held in February 1995.

In February and March 1995, resolutions were adopted by the Durham County Board of Commissioners and the Durham City Council, respectively. These resolutions stated that the Council and the Commissioners “did not support any of the Alternatives presented for the Durham Northwest and Northeast Loop.” In April 1995, the City of Durham passed a resolution supporting the “establishment of a Joint City-County Committee to evaluate transportation alternatives...” The Durham City Council and the Durham County Board of Commissioners appointed citizens to serve on the “Northeast/Northwest Corridor Alternatives Evaluation Committee”. This committee was charged with the task “to examine the present and future transportation needs of the North Durham community and determine the best ways to achieve the goal of efficient travel...” The Final Report from the Northeast/Northwest Corridor Alternatives Evaluation Committee was published in June 1996.

The NCDOT announced the selection of Alternate 3 from US 70 at the Wake County line to Guess Road as the Preferred Alternative in September 1997. Additional studies were proposed for the Durham Northwest Loop from Guess Road to I-85 west of Durham because each of the Build Alternatives evaluated in the SDEIS encroached into the expanded Eno River State Park near Sparger Road.

## ***B. Northern Durham Parkway***

Throughout 1998, the Durham City Council and County Commissioners continued to express their concerns about the Preferred Alternative for the Northwest and Northeast Loop. The NCDOT Secretary Norris Tolson requested that the City and County reach a consensus on how to proceed with the proposed project. In October 1998, the Durham Environmental Affairs Board prepared a report entitled “Environmental Impacts of the Proposed Northwest/Northeast Loop”. Based on the findings of this report, the Durham County Commissioners passed a resolution to support the Durham Northwest and Northeast Loop from the eastern terminal at US 70 to I-85 in the vicinity of Junction Road in February 1999.

A Joint City-County Planning Committee comprised of three representatives from the city council and three county commissioners undertook a study of transportation options in northern Durham. Under the leadership of the joint committee, representatives from Durham’s business, environmental, and political communities made personal commitments to develop an alternative that could offer “the preferred solution to transportation problems in northeastern Durham.” The communities’ preferred solution recommended the Northern Durham Parkway and associated roadway improvements as the “...substitute for the Northwest and Northeast Loop (TIP Nos. R-2630 and R-2631) and the proposed Durham Northern Freeway...”

The Joint City-County Planning Committee called a special session on May 21, 1999 at City Hall to present their resolution to NCDOT and the elected officials representing the project area. Members of the Joint City-County Planning Committee; representatives from the Eno River Association, the Greater Durham Chamber of Commerce, the Durham Board of Realtors, the Citizens Alternatives Committee and the Gorham Community Association; and four members of the North Carolina General Assembly stated their favor for the Northern Durham Parkway.

The NCDOT Secretary Norris Tolson responded to the proposal of the Northern Durham Parkway with the promise that the NCDOT would “look closely” at this new alternative. Secretary Tolson assured the Joint City-County Planning Committee that the Northern Durham Parkway would be evaluated to the same level of detail as the other preliminary Build Alternatives identified in the SDEIS.

The City and County passed resolutions supporting the Northern Durham Parkway in June 1999. In response to the resolutions, NCDOT Secretary David McCoy reaffirmed former Secretary Norris Tolson’s commitment to the Joint City-County Planning Committee. Secretary McCoy stated that NCDOT would conduct a “fatal flaw analysis (Alternative Evaluation) for the Northern Durham Parkway corridor using the same criteria used to evaluate the preliminary build corridors presented in the Draft Environmental Impact Statement.” This Alternative Evaluation was initiated by NCDOT in late 1999. The results of the Alternative Evaluation and the responses to the June 1999 Resolutions are presented in the following sections of this report.

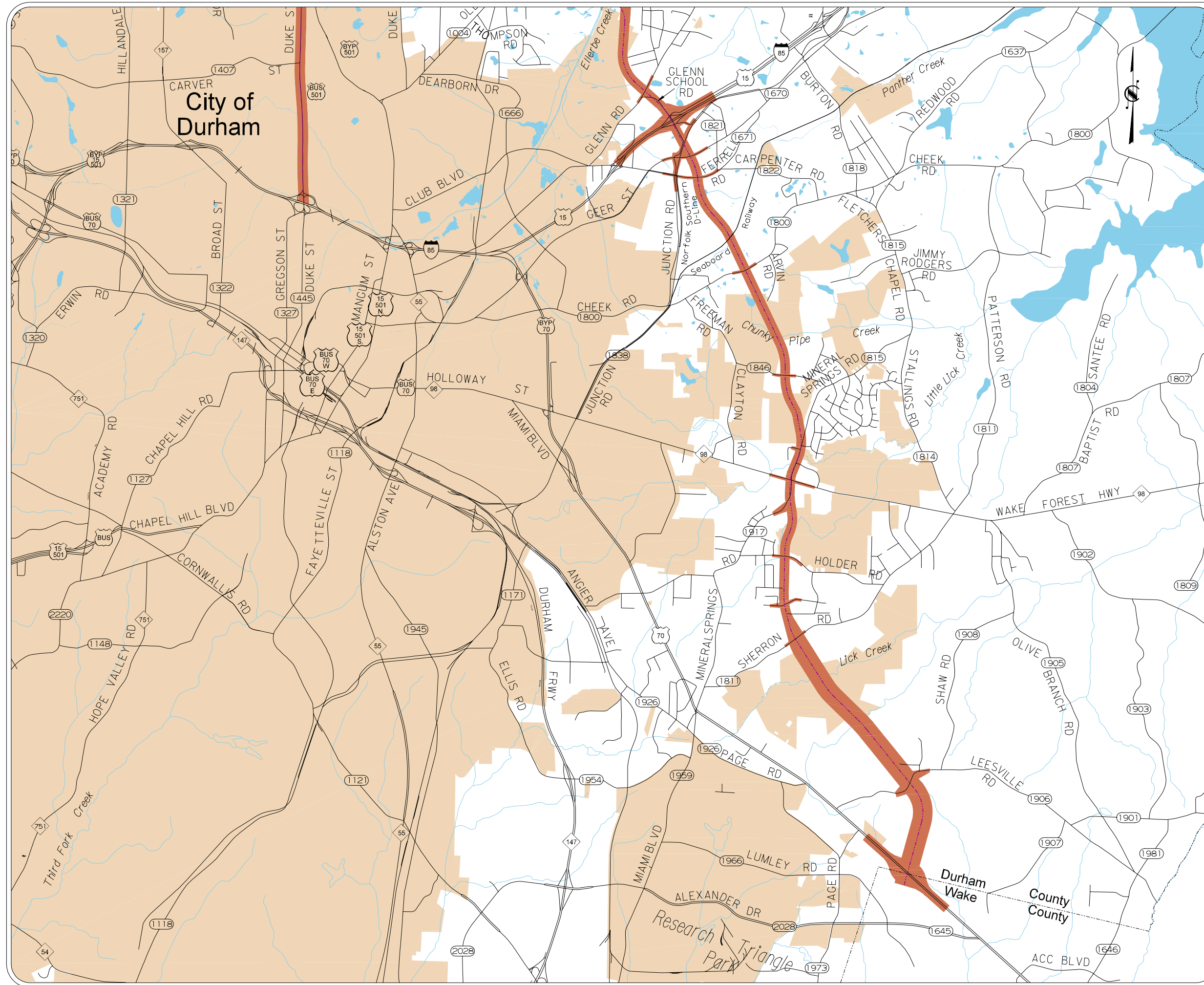
### **III. Northern Durham Parkway**

This section describes the Northern Durham Parkway location as prepared by the Durham Joint City-County Planning Committee and the refined corridor location defined for the Alternative Evaluation by the NCDOT. Both locations of the Northern Durham Parkway are shown on Exhibit 1.


#### **A. Durham Joint City-County Planning Committee Location**

The Northern Durham Parkway, as identified by the Durham Joint City-County Planning Committee, is shown on Exhibit 1 with a purple dashed line. It begins at US 70 at the proposed extension to Aviation Parkway and follows NCDOT’s preferred alternate for the Northwest and Northeast Loop (Alternate 3) to Hamlin Road. The Parkway follows Hamlin Road to Red Mill Road and Red Mill Road to SR 1004. A new








North Carolina  
Department of  
Transportation




# Northern Durham Parkway

 MODIFIED  
NORTHERN DURHAM  
PARKWAY CORRIDOR

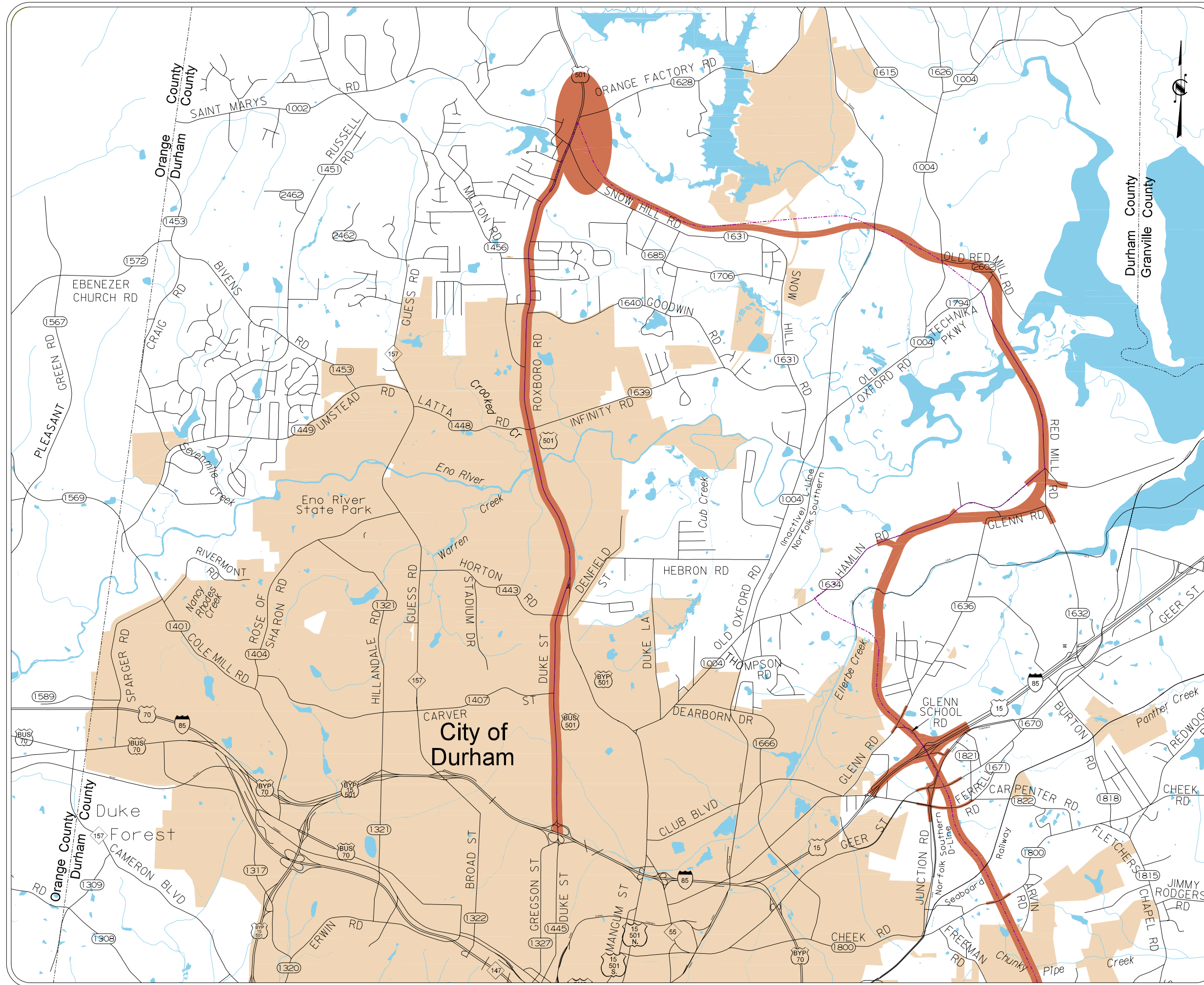
 DURHAM JCCPC  
NORTHERN  
DURHAM PARKWAY

 WATER  
BODIES

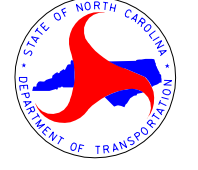
 MUNICIPAL  
BOUNDARIES

## Location Map


Exhibit 1 (Sheet 1 of 2)





North Carolina  
Department of  
Transportation




# Northern Durham Parkway

 MODIFIED  
NORTHERN DURHAM  
PARKWAY CORRIDOR

 DURHAM JCCPC  
NORTHERN  
DURHAM PARKWAY

 WATER  
BODIES

 MUNICIPAL  
BOUNDARIES

## Location Map

Exhibit 1 (Sheet 2 of 2)



roadway links Red Mill Road with Roxboro Road, extending across the Little River and passing north of existing Snow Hill Road. The Parkway then follows existing Roxboro Road/Duke Street south to I-85.

The Northern Durham Parkway is proposed in the City and County resolutions as a “4-lane Class I rural arterial (parkway) with 45 MPH speed limit”. The Parkway would include “limited access to newly-constructed segments, landscaped median and right of way, turn bays, bus pull-outs, sidewalks, facilities for bicycles, and maximum use of noise mitigation.”

### ***B. Northern Durham Parkway Modifications***

The Northern Durham Parkway as proposed by the Joint City-County Planning Committee was modified in a few areas to meet the required design standards for a four-lane rural arterial and to minimize the impacts to both the human and natural environments. These modifications ensured that the most practicable location for the Northern Durham Parkway was evaluated. The modified corridor is shown in red on Exhibit 1.

As shown on Exhibit 1, the Northern Durham Parkway was not revised between US 70 and SR 1636 (Glenn Road). However, the Parkway was revised in the area of Hamlin Road to allow free-flow, continuous movement between the Parkway and Hamlin Road to the west. Hamlin Road to the east would connect to the Northern Durham Parkway with a “T” type intersection.

The existing horizontal curves and vertical grade along Hamlin Road are not consistent with the design standards for an arterial. Therefore, the Parkway was shifted south onto new location for a short section to improve the horizontal and vertical design and to avoid impacting several residences along Hamlin Road and Chewing Middle School, located at the existing intersection of Hamlin Road and Red Mill Road. The revisions to the Parkway also provide a safe connection for the south end of Red Mill Road to the Parkway.

No revisions were made to the Northern Durham Parkway along Red Mill Road between Hamlin Road and the existing bridge at the Eno River. However, north of the river, the Parkway was shifted from existing Red Mill Road to Old Red Mill Road in order to minimize wetland impacts and to avoid the proposed industrial development located north of Technika Parkway in Treyburn.

The new location portion of the Northern Durham Parkway proposed in the resolution was modified northeast of Technika Parkway to minimize the land required

from the US Army Corps of Engineers property and to avoid the recently purchased Durham City Park land. The new location section was also modified east of Old Oxford Road to minimize impacts to the Little River crossing and the proposed Treyburn development.

The Northern Durham Parkway corridor is approximately 25.5 miles long. The segment from US 70 to Hamlin Road is approximately 9.3 miles long; the segment from Hamlin Road to Roxboro Road (US 501) is also approximately 9.3 miles long; and the segment along Roxboro Road/Duke Street to I-85 is approximately 6.9 miles long.

## **IV. Northern Durham Parkway Evaluation**

The Northern Durham Parkway was evaluated as a four-lane divided arterial with at-grade, signalized intersections at major road crossings. The Parkway is highlighted in red in Exhibit 1. The Northern Durham Parkway was evaluated using the same criteria used to evaluate the preliminary Build Alternatives studied in the State Draft Environmental Impact Statement. The NCDOT evaluated the Northern Durham Parkway based on three key factors:

- A. Is the Northern Durham Parkway eligible for funding by the 1989 Highway Trust Fund Act as a “Loop Project”?
- B. Is the Northern Durham Parkway supported by federal and state environmental regulatory and resource agencies?
- C. Does the Northern Durham Parkway meet the purpose and need of reducing travel demand and relieving traffic congestion on the existing and planned arterial roadway network?

The results of the Alternative Evaluation are presented in the following three sections:

A. *Loop Status and Project Funding*, B. *Environmental Impacts and Permits*, and C. *Project Purpose and Need*. The results presented in these sections **answer** the above three questions using the following sources of information:

- The legal definitions of Loop Projects stated in the Highway Trust Fund Act,
- The NEPA/Section 404 Merger Interagency Agreement,
- The environmental resources located in the project area,
- The Federal and state resource and regulatory agencies’ comments,
- The Federal and state permit and land acquisition requirements for highway projects, and
- The Triangle Regional Model.

## **A. Loop Status and Project Funding**

In 1989, the legislature created the North Carolina Highway Trust Fund (Article 14 of Chapter 136 of the North Carolina General Statutes). Monies in the Trust Fund are allocated for Intrastate System roadways, urban loops, and other projects.

The General Statute 136-180 states that the monies allocated from the Trust Fund for urban loops may be used only for seven legislatively specified projects. These seven loops, one of which is the Durham Northern Loop, constitute 25.05 percent of total Trust Fund monies.

The Northern Durham Parkway and the legislation in the Highway Trust Fund Act were reviewed by the North Carolina Special Deputy Attorney General, Robert O. Crawford, III. Mr. Crawford stated in a memorandum dated September 25, 2000 (see Appendix A, Exhibit A-9 for the complete opinion) that:

*"In order for Highway Trust Fund money to be used to fund improvements to existing corridors for the Durham Northern Loop, the project must meet the legislative description of a 'multilane facility on new location from I-85 west of Durham to US 70 east of Durham.' It is my opinion that...the MPO proposal (Northern Durham Parkway)...is inconsistent with the legislature intent."*

Mr. Crawford further stated that:

*"The legislature intended that the Durham Northern Loop consist of a bypass around Durham on new location. Roxboro Road, Cole Mill Road, and Guess Road are existing roads that have traffic capacity problems. The legislature clearly did not intend Trust Fund loop money to be used to improve existing inner city streets. The Northern Loop was intended to alleviate congestion, not add to it by using existing streets as part of the loop facility."*

**Answer A:** Based on the current legal definitions, the Northern Durham Parkway is not eligible for funding under the 1989 Highway Trust Fund Act as a Loop Project.

## **B. Environmental Impacts and Permits**

The NCDOT, the Federal Highway Administration, and the US Army Corps of Engineers signed “an Interagency Agreement integrating Section 404/NEPA” in May 1997. The agreement merged the National Environmental Policy Act (NEPA) transportation decision-making process with the Section 404 Clean Water Act permitting processes. The purpose of the agreement is to ensure that the effects of a transportation project on the waters of the United States, including wetlands, are considered at the earliest stages of project development. The process requires a Project Team to concur at five strategic stages in the NEPA/Section 404 project development process. The Project Team consists of one member from each of the following agencies:

- NCDOT
- Federal Highway Administration
- United States Army Corps of Engineers
- NC Department of Environment and Natural Resources (DENR)
  - Division of Water Quality (DWQ)
  - Division of Coastal Management (DCM)
  - Division of Marine Fisheries (DMF)
  - Wildlife Resources Commission (WRC)
- NC Department of Cultural Resources (DCR)
- United States Fish and Wildlife Service (USFWS)
- National Marine Fisheries Service (NMFS)
- United States Environmental Protection Agency (EPA)
- Metropolitan Planning Organizations (MPO)

Concurrence implies that each team member agrees to the decisions made at each strategic point and, in doing so, “pledges” to abide by the decisions unless profound changes in project scope or concept occur. The five strategic concurrence points in the NEPA/Section 404 project development process include:

1. Purpose and Need. The foundation upon which justification for the project is agreed.
2. Alternatives for Detailed Study. Alternatives which satisfy the purpose of and need for the project. These alternatives will be studied and evaluated in sufficient detail to ensure good transportation and permit decision making.

3. Corridor Selection. This alternative is selected through the project development process as the “Least Environmentally Damaging Practicable Alternative”.
4. Project Minimization. A detailed, interdisciplinary and interagency exercise to optimize the benefits of the project while reducing environmental impacts.
5. Mitigation. The identification of means and strategies to provide compensatory mitigation for environmental impacts.

An inventory of the environmental resources in the project area was developed to evaluate the impacts of the Northern Durham Parkway and to identify potential permit and regulation requirements associated with the construction. Exhibit 2 shows the environmental constraints in the project area.

A letter from NCDOT was sent to local officials and federal and state regulatory and resource agencies to solicit input regarding the potential for the Northern Durham Parkway Alternative to be selected as the “Least Environmentally Damaging Practicable Alternative” (Concurrence Point 3). The letter and agency responses are included in Appendix C. The comments referenced in the following text are numbered chronologically on each agency letter.

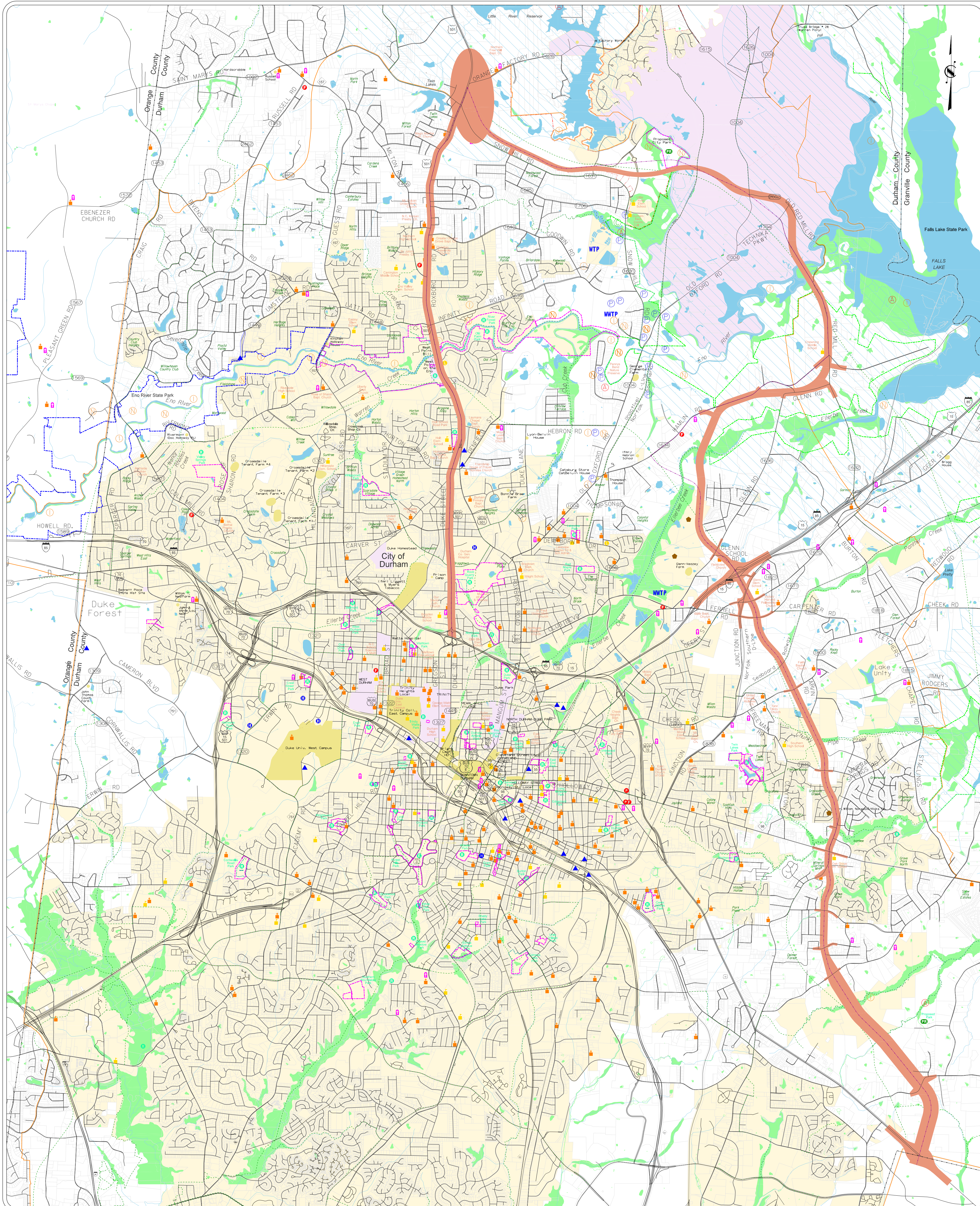
As discussed in Section III B., the Northern Durham Parkway as defined by the Joint City-County Planning Committee was revised to avoid or minimize impacts to both the human and natural environments where feasible. The corridor evaluated for the Northern Durham Parkway is shown on Exhibit 2 in red and the impacts associated with this corridor are listed in Table 1. The following sections discuss these impacts, the agency comments, and the corresponding permits that would be required for the construction of the Northern Durham Parkway.

## **1. Environmental Impacts**

The Northern Durham Parkway from US 70 to Hamlin Road is located in a predominantly urban area and would impact several existing residential developments. This section of the Northern Durham Parkway would impact approximately 156 parcels and approximately 76 buildings. The section of the Northern Durham Parkway from Hamlin Road to Roxboro Road (US 501) is located on the fringe of the urban area in a mostly rural setting. This section of the Parkway was shifted in some areas to avoid existing homes and would impact approximately 51 parcels and 4 buildings.



# Northern Durham Parkway



- CEMETERY
  - CHURCH
  - FIRE STATION
  - SCHOOL
  - HOSPITAL
  - LIBRARY
  - LANDFILL
  - SUPERFUND SITE
  - TRVBURN BOUNDARY
  - LAND & WATER CONSERVATION PROPERTY
  - A.C.O.E./STATE PARK BOUNDARY
  - STATE PARK BOUNDARY
  - CITY PARK BOUNDARY
  - EXISTING/PROPOSED TRAILS & GREENWAYS
  - URBAN GROWTH AREA
  - RECREATION AREA
  - PROPOSED RECREATION AREA
  - WATER TREATMENT PLANT
  - WASTEWATER TREATMENT PLANT
  - NATURAL HERITAGE AREA:
  - ANIMAL
  - NATURAL COMMUNITY
  - IDENTIFIED PRIORITY AREA
  - PLANT
  - IDENTIFIED NATURAL AREA
  - HISTORIC SITE ON OR ELIGIBLE FOR THE NATIONAL REGISTER
  - HISTORIC SITE ON STATE STUDY LIST
  - NWI WETLAND BOUNDARY
  - LITTLE RIVER AND FALLS LAKE WATERSHED PROTECTION AREA
- NOTE: INFORMATION UPDATED ONLY  
WITHIN THE PROJECT AREA

0 3000' 6000'

BASE MAPPING PROVIDED BY  
DURHAM GIS DEPARTMENT

- DURHAM JCPC
- NORTHERN DURHAM PARKWAY
- NORTHERN DURHAM PARKWAY
- MUNICIPAL BOUNDARIES
- WATER BODIES

Environmental  
Constraints Map

Exhibit 2



**TABLE 1: Preliminary Summary of Impacts for the Northern Durham Parkway**

<b>RESOURCE EVALUATED</b>	<b>IMPACTS <sup>(1)</sup></b>
Number of Parcels Impacted	207 <sup>(2)</sup>
Number of Buildings Impacted	80 <sup>(3)</sup>
Number of Stream Crossings	15
Wetlands Impacted	28 acres
Historic Properties Impacted	45 acres
Corps of Engineers Property Impacted	3 acres

Notes: No improvements to existing Roxboro Road (US 501) are proposed

1. All Impacts are based on a four-lane, divided roadway with a minimum 150-foot right of way width.
2. The parcels impacted are based on 1999 tax data courtesy of the Durham GIS Department
3. The buildings impacted are based on 1994 planametrics and 1999 aerial photographs courtesy of the Durham GIS Department.

As shown on Exhibit 2, there are several natural resources located in the northern section of the project area. These resources include the Eno River, the Little River, the Little River and Falls Lake watersheds, US Army Corps of Engineers property, a wildlife refuge, natural heritage areas, and several historic resources listed in or eligible for listing in the National Register of Historic Places.

The US Army Corps of Engineers property within the study area is associated with the Falls Lake and Dam project. Falls Lake extends 22 miles upstream from the dam to the confluence of the Eno and Flat Rivers. Falls Lake contains 38,000 acres of public land with approximately 12,000 surface acres of water and 230 miles of shoreline. The land areas in the Falls Lake State Park are dedicated to recreational activities and a wildlife refuge. The wildlife refuge includes undeveloped areas with many unique and high quality natural resources. These undeveloped areas were reserved to replace areas lost when the reservoir flooded the Neuse River Floodplain.

The area of the Falls Lake State Park located northwest of I-85 and west of Red Mill Road encompasses approximately three square miles of land and is managed by the North Carolina Wildlife Resources Commission as wildlife habitat and game lands. One type of resource in this area is seven water fowl impoundments. These impoundments are manmade wetlands which are designed to periodically flood to create waterfowl habitat.

The Northern Durham Parkway extends through the US Army Corps of Engineers' property around Falls Lake at two locations. The first location extends through the property along existing Red Mill Road for approximately 3,500 feet. There is currently a 150-foot right of way along Red Mill Road through this section of the Corps property. No right of way acquisition was included in this preliminary review; however, additional property could be required for roadway right of way and construction easements. The second location extends on new location through the Corps property at the northern boundary near Treyburn for approximately 660 feet and would require the acquisition of a minimum of 3 acres from the Corps property.

Since the Corps property is mitigation for land lost with the flooding and creation of Falls Lake, replacement land for the property impacted by the Northern Durham Parkway would be required. The replacement land would require the approval of the US Army Corps of Engineers prior to a land transfer. The comments received from the agencies in reference to the impacts to the Falls Lake U.S. Corps of Engineers property are as follows:

Comment: "The public lands surrounding Falls Lake in the study area (as well as many of the lands elsewhere on the lake) are being managed as mitigation lands for the construction of the lake per an agreement between the Corps and the North Carolina Wildlife Resources Commission (NCWRC). This mitigation status requires that the lands be managed for wildlife habitat and public access, which would be negatively impacted by the proposed road construction." (**Agency Comment 2:** U.S. Army Corps of Engineers – Falls Lake, May 12, 2000)

Comment "The property along the shoreline of Falls Lake is public lands held by the U.S. Army Corps of Engineers and leased to the NCWRC for enrollment in the Game Lands Program as public recreational areas. This route fragments a section estimated to be approximately 1000 acres from the main portion of the Butner-Falls of the Neuse Game Lands. (**Agency Comment 7:** North



Carolina Wildlife Resources Commission – Habitat Conservation Program, May 23, 2000)

- Comment: “Habitat connectivity is a key component in these lands. This property was set aside to mitigate for the property that was lost when Falls Lake was flooded. It is likely that substantial replacement lands would be required for any land taken by NCDOT right of way and any land, which is isolated by the new roadway, may also require replacement.” (**Agency Comment 8:** North Carolina Wildlife Resources Commission – Habitat Conservation Program, May 23, 2000)
- Comment: “The Northern Durham Parkway also has the potential to spur additional development in areas adjacent to the Game Lands. This may cause problems with management as many sections of these lands are managed through controlled burns. Dense smoke caused by these burns can create hazards to motorist(s) and is sometimes a nuisance to adjacent property owners. The result of increased adjacent development is unmanageable portions of property, which can not be utilized to the fullest potential.” (**Agency Comment 9:** North Carolina Wildlife Resources Commission – Habitat Conservation Program, May 23, 2000)
- Comment: “In areas of dense adjacent development, NCWRC is under increased pressure to limit certain uses of Game Lands... Often when development borders Game Land Property, residents and homeowners associations ask that hunting be restricted to areas away from their property. This devalues the game land for one of its primary purposes.” (**Agency Comment 10:** North Carolina Wildlife Resources Commission – Habitat Conservation Program, May 23, 2000)
- Comment: “...the Corps Falls Lake Office ...stated objections to the proposed alignment for the NDP (Northern Durham Parkway), and to any alternatives that cross the public lands and waters at Falls Lake, and stated concerns regarding negative impacts that the proposed project would have to Falls Lake lands managed for wildlife habitat and public access, and to other resources on the Falls Lake property. NCDOT will have to address the Falls Lake Office’s concerns and objections in any permit applications for alternatives

that cross Falls Lake property, and obtain all required real estate approvals from the Corps prior to completion of the Corps permit process.” (**Agency Comment 19:** Mr. Eric Alsmeyer, Raleigh Field Office, Regulatory Division, U.S. Army Corps of Engineers – Wilmington District, August 16, 2000)

Comment: “The proposed Northern Durham Parkway appears to have few impacts to rare species or significant Natural Heritage Areas, although it is unclear from the enclosed map whether the Parkway will cross Corps lands along the Little River or Ellerbee Creek. We also cannot determine whether the Eno Crossing – which appears to be on a new alignment – is located within the permanently impounded portion of Falls Lake or lies within only seasonally inundated floodplain habitats. Any taking of Corps lands for this project would be of potential concern and the above points need to be clarified.” (**Agency Comment 5:** North Carolina Department of Environment and Natural Resources – Division of Parks and Recreation, May 22, 2000)

The Northern Durham Parkway will cross 15 streams from US 70 to I-85 at Duke Street. Ten streams are crossed from US 70 to Hamlin Road and five streams are crossed from Hamlin Road to I-85 at Duke Street.

There are two Eno River crossings associated with the Northern Durham Parkway. Both locations are at existing crossings. One is located on Red Mill Road and the second is located on Roxboro Road (US 501). The existing crossing located on Red Mill Road is currently a two-lane roadway. Based on a typical four-lane roadway with a grass median, approximately seven acres of wetlands would be impacted at this crossing. No additional improvements to Roxboro Road (US 501) were proposed in the resolution.

The Northern Durham Parkway would require a new crossing over the Little River. This crossing would impact approximately six acres of wetlands. The length of the Northern Durham Parkway that encroaches into the Falls Lake watershed and the Little River watershed are approximately 4.5 miles and 1.5 miles, respectively.

A future Durham City Park is proposed adjacent to the US Army Corps of Engineers property in the Treyburn area. The Northern Durham Parkway extends along the southern boundary of this park. The project is not anticipated to require property from this park.

The Bennehan-Cameron Historic District encompasses approximately 6,000 acres mostly bounded by three rivers: the Flat River, the Eno River, and the Little River. This District is located in the northern section of Durham County east of Snow Hill Road and along Old Oxford Highway. Several individually eligible resources, such as the Farintosh Plantation, the Horton Grove Complex, the Stagville Historic Site, and multiple archaeological resources are located within this District. The Northern Durham Parkway extends through the District for approximately 2.5 miles and would impact approximately 45 acres within the District.

The additional comments received from the agencies in reference to the impacts discussed above are as follows:

- Comment: “We are also concerned about negative impacts to registered Natural Heritage Areas (that contain numerous rare plant species), flood storage, significant cultural resources, and wetlands and water quality in Falls Lake.” (**Agency Comment 3:** U.S. Army Corps of Engineers – Falls Lake, May 12, 2000)
- Comment: “We are especially concerned about the route shown for the Northern Durham Parkway Corridor. It appears that this route shown in the maps would have numerous stream crossings which empty into Falls Lake. Most of these crossings will involve wetland impacts. These streams are all in the Neuse River Basin and have mandatory buffer requirements.” (**Agency Comment 6:** North Carolina Wildlife Resources Commission – Habitat Conservation Program, May 23, 2000)
- Comment: “The new location segment of the proposed alternative would have deleterious impacts to natural resources. It would involve impacts to municipal water supplies including Falls Lake and Little River Reservoirs...” (**Agency Comment 14:** North Carolina Department of Environment and Natural Resources – Division of Water Quality, June 1, 2000)
- Comment: “The project (Northern Durham Parkway) would require significant impacts to Neuse Riparian Buffers. Moreover, the project would require a new crossing of the Eno River and would impact existing State-managed Gamelands adjacent to Falls Lake.” (**Agency Comment 15:** North Carolina Department of

Environment and Natural Resources – Division of Water Quality,  
June 1, 2000)

Comment: "... one detailed and several approximate study streams appear to be crossed by the proposed Northern Durham Parkway Corridor. The detailed study stream is Ellerbe Creek and the approximate streams include the Eno River, Cabin Branch, and Little River."  
**(Agency Comment 18:** Mr. Bobby L. Willis, Planning Services Section-U.S. Army Corps of Engineers – Wilmington District, August 16, 2000)

Comment: "We have conducted a search... and have located the following structures of historical or architectural importance within the general area of the project.

- Farintosh Plantation... This property is listed in the National Register of Historic Places.
- West Point Milt Street, West Point Mill, West Point McCown-Mangum ... These properties are listed in the National Register of Historic Places.
- Bonnie Brae Farm ... This property is listed on the State Study List.
- Bennehan-Cameron Plantation ..., this property has been determined eligible for the National Register..."

**(Agency Comment 17:** North Carolina Department of Cultural Resources – State Historic Preservation Office, August 8, 2000)

## 2. Permit Requirements

The following permits, law compliances, and coordination efforts are required to construct the Northern Durham Parkway.

- A Section 404 Dredge and Fill Permit from the US. Army Corps of Engineers.
- A Section 401 Water Quality Certification Permit and National Pollutant Discharge Elimination System Permits (NPDES) from the Department of Environment and Natural Resources.
- Compliance with Section 106 of the National Historic Preservation Act for the Bennehan-Cameron Historic District and other historic properties.
- Consultation under Section 7 of the Endangered Species Act will be required for any protected species in the corridor.

- The acquisition of suitable replacement land as mitigation for impacts to the Falls Lake Public land. The identification of replacement land would be coordinated with and approved by the US Army Corps of Engineers.

**Answer B:** Based on a review of the resources in the project area and the comments received from the agencies, the Northern Durham Parkway appears to have significant environmental impacts to the natural environment. In addition, it is not likely that the Northern Durham Parkway would be permitted as the “Least Environmentally Damaging Practicable Alternative” for a loop project in northern Durham.

### **C. Project Purpose and Need**

The purpose and need for any transportation project is a vital part of determining the feasibility of the project. Transportation projects require the commitment of a large range and magnitude of natural, physical, human, and fiscal resources. The benefits gained from the implementation of a transportation project need to outweigh the expense and adverse impacts associated with the commitment of these resources.

The purpose for committing to the use of these resources is based on the concept that residents in the immediate area, region, and state will benefit from the improved quality of the transportation system. Some of the benefits a transportation project should include are improvements in access and service, safety, and travel time savings.

The project purpose and need is the first Concurrence Point (Concurrence Point 1) of the NEPA/Section 404 Project Development Process, discussed in the previous section. The comments received from the agencies regarding the Northern Durham Parkway purpose and need are summarized below.

Comment: The alternative as presented does not appear to function in a manner consistent with the stated purpose and need... Due to the circuitous route of the proposed project, the DWQ believes the project lacks independent utility.” (**Agency Comment 12:** North Carolina Department of Environment and Natural Resources – Division of Water Quality (DWQ), June 1, 2000)

Comment: “The upgrade of US 501 may be appropriate as another independent project to improve north/south movements due to traffic deficiencies. However, the DWQ does not believe that the proposed new location segment will provide any tangible traffic improvements relative to the anticipated impacts.” (**Agency**

**Comment 13:** North Carolina Department of Environment and Natural Resources – Division of Water Quality (DWQ), June 1, 2000)

Comment: “Prior to impacting high quality natural resources, we need to ensure the transportation benefits derived from the project are sufficient...” (**Agency Comment 16:** North Carolina Department of Environment and Natural Resources – Division of Water Quality (DWQ), June 1, 2000)

The Northern Durham Parkway Alternative was evaluated to determine if the Parkway would serve the purpose of and need for a loop road in northern Durham. The following sections outline the locally approved, long-term plans developed to meet the transportation needs within the project area, and how the Northern Durham Parkway contributes to servicing these needs.

### **1. Durham-Chapel Hill-Carrboro Thoroughfare Plan**

The 1991 Durham-Chapel Hill-Carrboro Thoroughfare Plan identifies an expanded and improved transportation system (roadway network) that will serve the area’s existing and future transportation demands. The Durham County portion of this plan was developed based on locally approved land use plans and was approved by the Durham City Council and the North Carolina Department of Transportation.

The Durham-Chapel Hill-Carrboro Urban Area Long-Range Thoroughfare Plan, Analysis of Deficiencies and Needs, identifies the following deficient radial routes in the City of Durham and Durham County:

- Guess Road (At Eno River)
- NC 98 (East of US 70)
- Mineral Springs Road (North of US 70)
- Cole Mill Road (at Eno River)
- Roxboro Road (at Eno River)
- Old Oxford Highway (at Eno River)
- I-85 (Northwest of US 70 East)
- US 70 (West of Mineral Springs Road)
- Cole Mill Road (West of Umstead Road)
- I-85 (West of US 70 East)

- Sherron Road (East of Mineral Springs Road)
- Leesville Road (Northeast of US 70):

The future roadway network identified in the Thoroughfare Plan was developed to address these and other existing and future transportation deficiencies. A loop project in northern Durham is reflected in the Plan. The purpose of and need for this loop is to remove the traffic that can be better served by a circumferential facility from these congested radial routes.

The June 1999 resolutions from the Durham City Council and Board of County Commissioners stated their endorsement of the Northern Durham Parkway and associated roadway improvements “as the substitute to the Northwest and Northeast Loop and proposed Durham Northern Freeway...” The Durham Northern Freeway is a fully controlled access facility planned for north of the Eno River. It is anticipated that the Northern Durham Freeway will be eliminated with the next update of the Thoroughfare Plan.

## **2. Transportation Demands**

The future 2025 transportation demands in the project area were determined using the Triangle Regional Model (TRM) Version 5--2001. The Triangle Regional Model was jointly developed by the North Carolina Department of Transportation, the Capital Area Metropolitan Planning Organization, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (City and County of Durham), the Triangle Transit Authority, the Triangle-J Council of Governments, and the Federal Highway Administration.

This model is considered a State-of-the-Practice travel demand forecast model for the Triangle Region and models the travel mode and time choices made by roadway users in the region. The model was developed using local socio-economic data and inputs unique to the region:

- 100% housing and employment inventory (data collected in 1995).
- Travel Behavior Survey conducted in 1995.
- Transit On-Board Survey for the Durham Area Transit Authority, Triangle Transit Authority, Chapel-Hill Transit, Capital Area Transit.
- Origin-Destination survey.



- Socio-economic forecasts (housing, employment, population, and median income) were prepared by local planning departments. Socio-economic projections for Durham County were prepared by the Durham City/County Planning Department based on the adopted land-use plans.

The performance measures for calibrating and validating the model are within the accepted national standard endorsed by the Federal Highway Administration. The model was approved in 2001 by the Triangle Regional Committee, Capital Area Metropolitan Planning Organization, and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization.

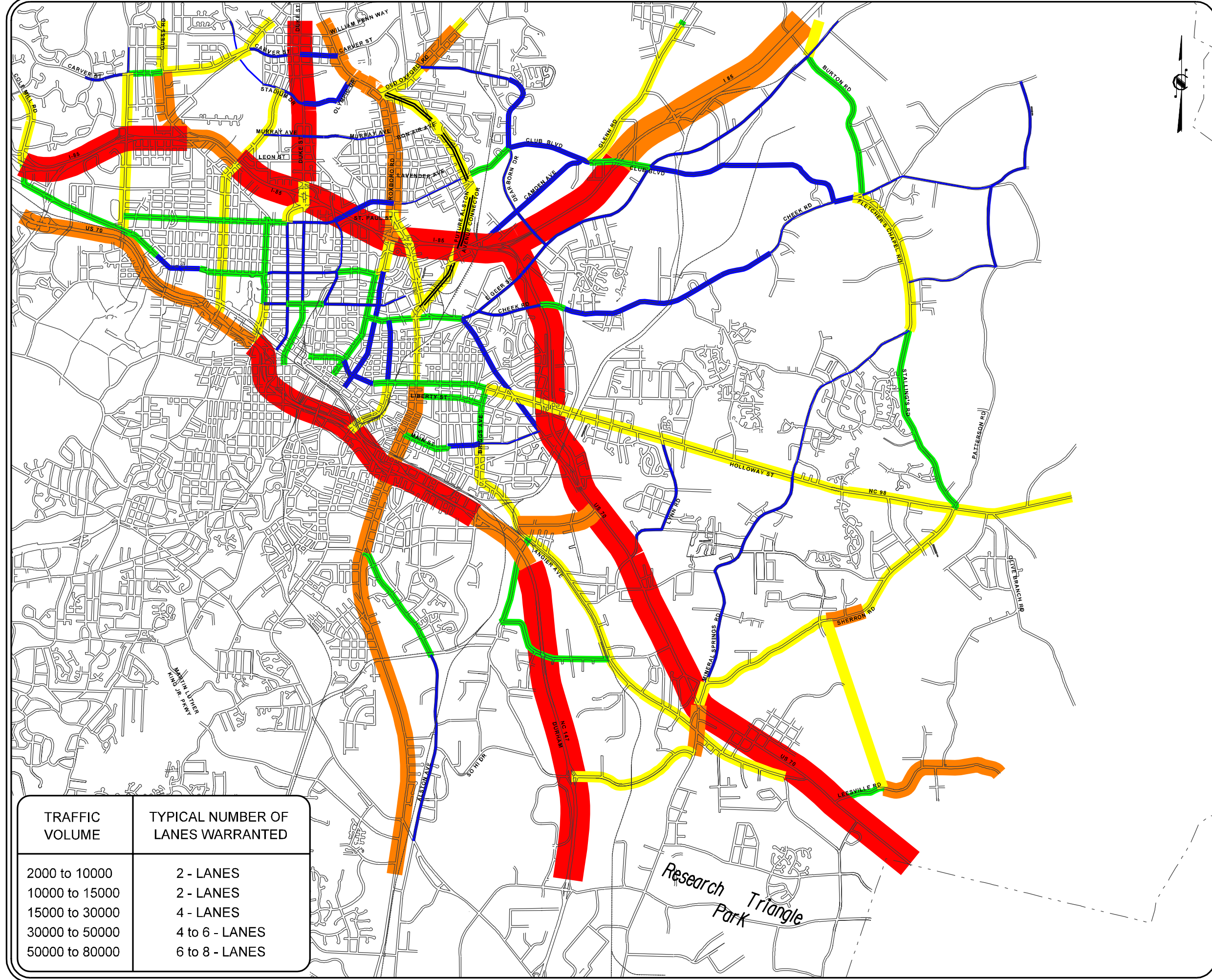
The NCDOT, in coordination with the City of Durham, used this approved model to predict the 2025 traffic demands (volumes) for the local roadway network under two scenarios. One scenario was the No-Build Alternative. The No-Build Alternative includes all planned/funded transportation projects in the Region except the Durham Northwest and Northeast Loop, the Northern Durham Parkway, and the Northern Durham Freeway. The second scenario included using the same model as the No-Build Alternative but added the Northern Durham Parkway.

Exhibits 3 and 4 illustrate the average daily traffic volumes on the network with the No-Build Alternative and the Northern Durham Parkway Alternative. The traffic volumes on the section of the Northern Durham Parkway south of I-85 range from 73,400 vehicles per day at US 70 to 67,000 vehicles per day at I-85 at Glenn School Road. The traffic volumes on the Northern Durham Parkway decrease to approximately 47,000 vehicles per day before continuing north. This reduction indicates that traffic will continue to use I-85, an east/west roadway.

The traffic projected to use the Northern Durham Parkway at I-85 near Glenn School Road to Roxboro Road (US 501) ranges from approximately 28,400 vehicles per day to 9,600 vehicles per day. This decrease in traffic demonstrates less demand for the Northern Durham Parkway on the northern portion of the Parkway.

Based on a review of these volumes the Northern Durham Parkway would not operate as a circumferential facility in the northern areas of Durham. The Northern Durham Parkway would not significantly serve traffic commuting east and west of Durham. The traffic would continue to utilize existing I-85 and the other arterial roadways. However, it would serve residents commuting to and from the northern areas of Durham in the Treyburn development and Person County.





North Carolina  
Department of  
Transportation

# Northern Durham Parkway

VOLUME

2000 to 10000

10000 to 15000

15000 to 30000

30000 to 50000

50000 to 80000

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DURHAM COUNTY  
LINE

10000

50000

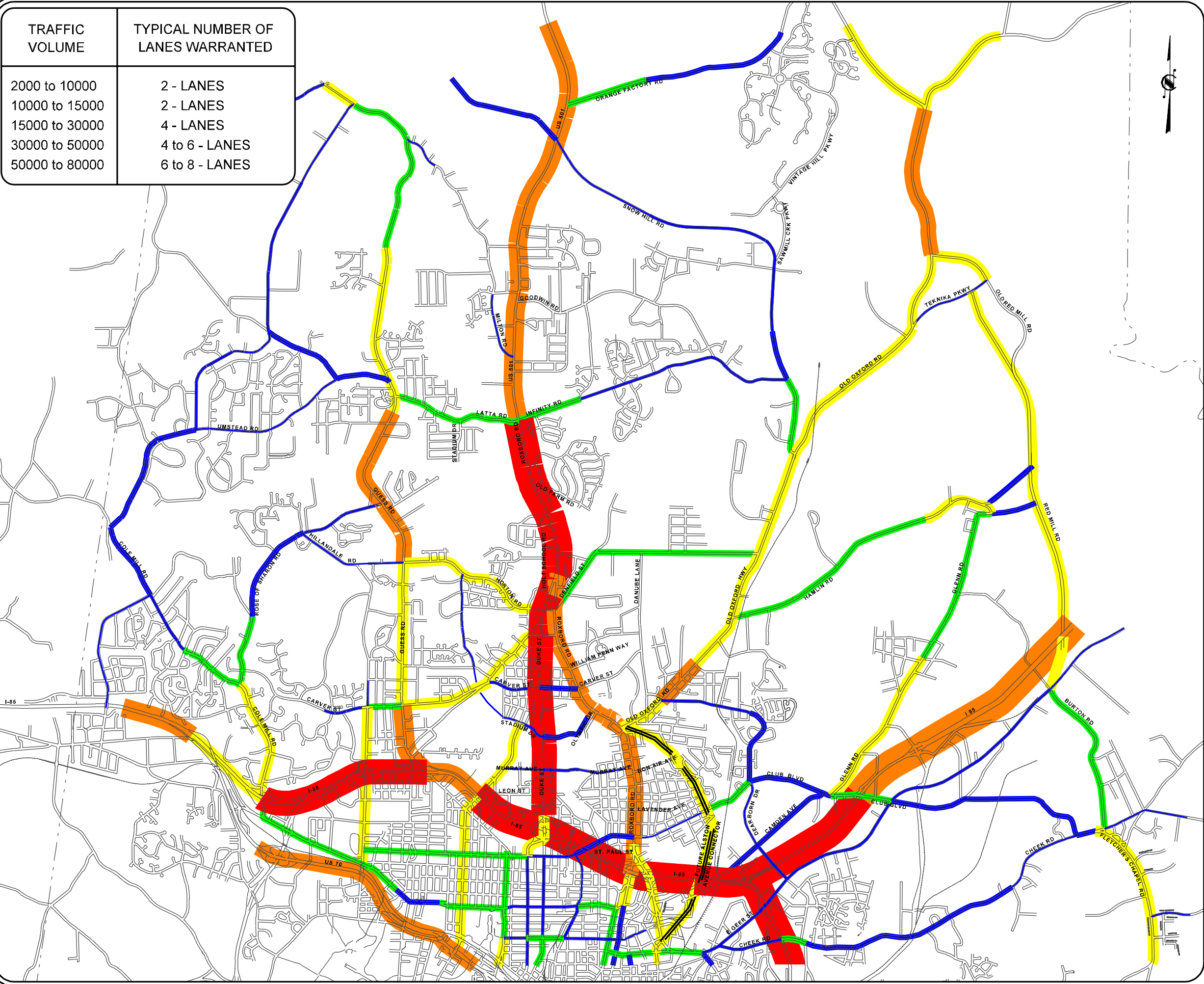
25000

No Build Alternative  
2025Traffic Volumes

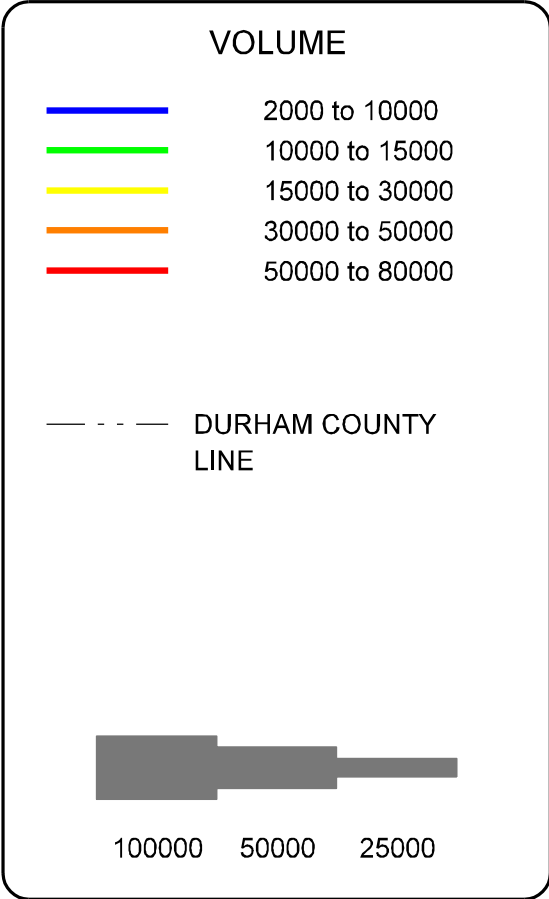
Exhibit 3 (Sheet 1 of 2)



TRAFFIC VOLUME	TYPICAL NUMBER OF LANES WARRANTED
2000 to 10000	2 - LANES
10000 to 15000	2 - LANES
15000 to 30000	4 - LANES
30000 to 50000	4 to 6 - LANES
50000 to 80000	6 to 8 - LANES



# Northern Durham Parkway



No Build Alternative  
2025 Traffic Volumes



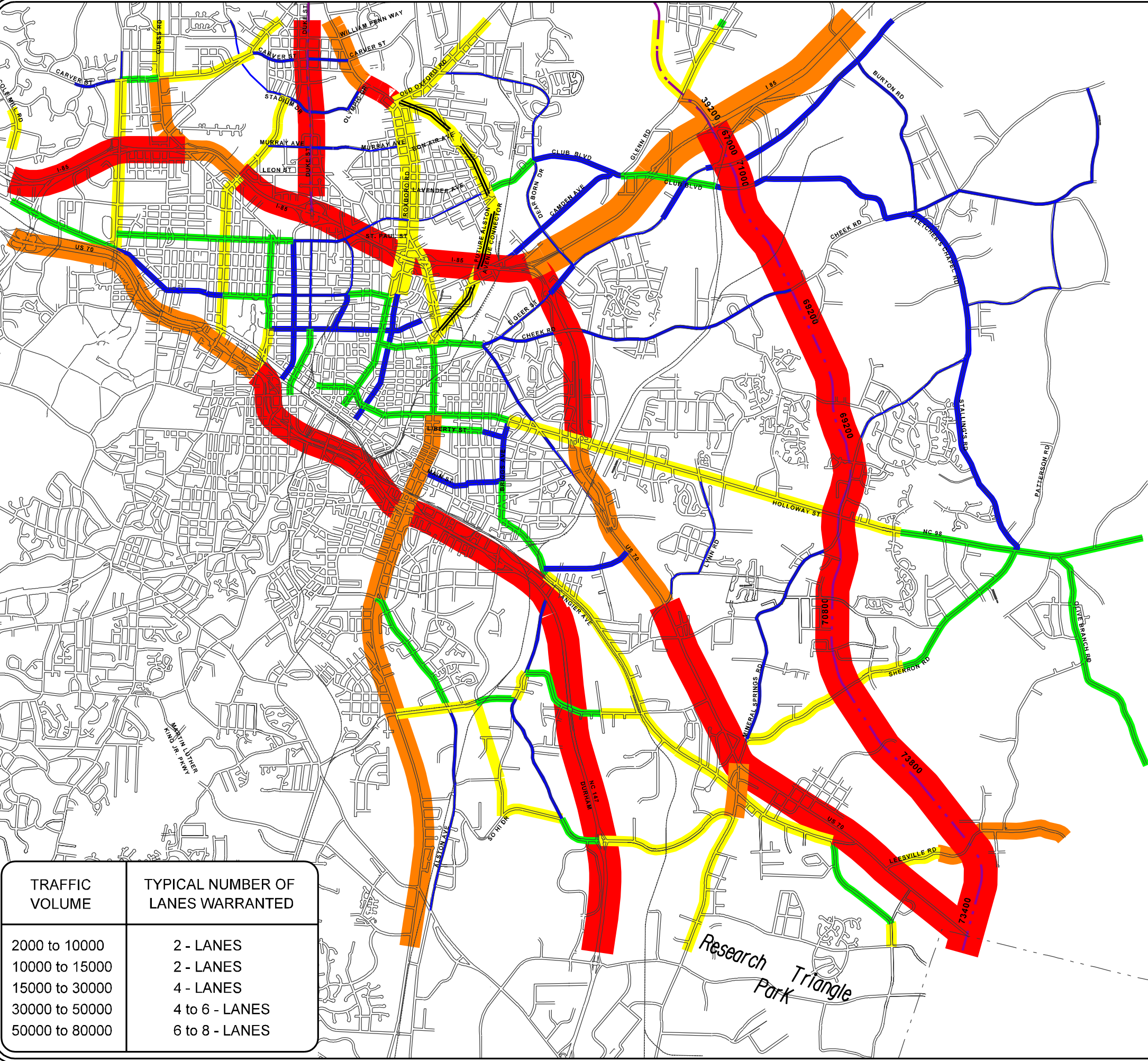
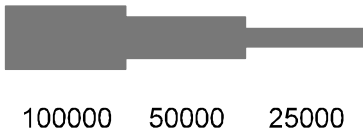


# Northern Durham Parkway

VOLUME

- 2000 to 10000
- 10000 to 15000
- 15000 to 30000
- 30000 to 50000
- 50000 to 80000

- DURHAM COUNTY LINE
- DURHAM JCCPC NORTHERN DURHAM PARKWAY
- 0000 2025 TWO-WAY VOLUMES

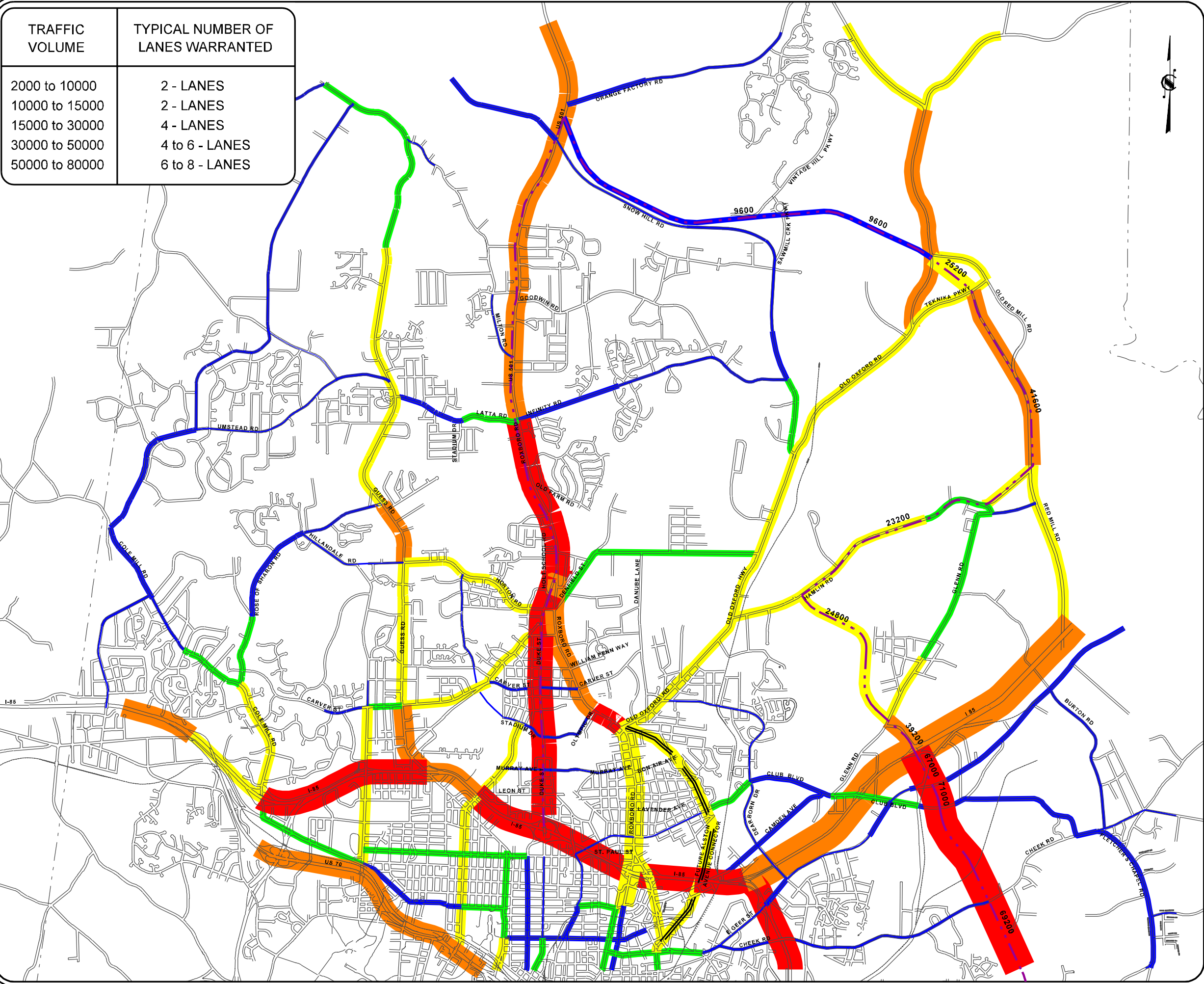


TRAFFIC VOLUME	TYPICAL NUMBER OF LANES WARRANTED
2000 to 10000	2 - LANES
10000 to 15000	2 - LANES
15000 to 30000	4 - LANES
30000 to 50000	4 to 6 - LANES
50000 to 80000	6 to 8 - LANES

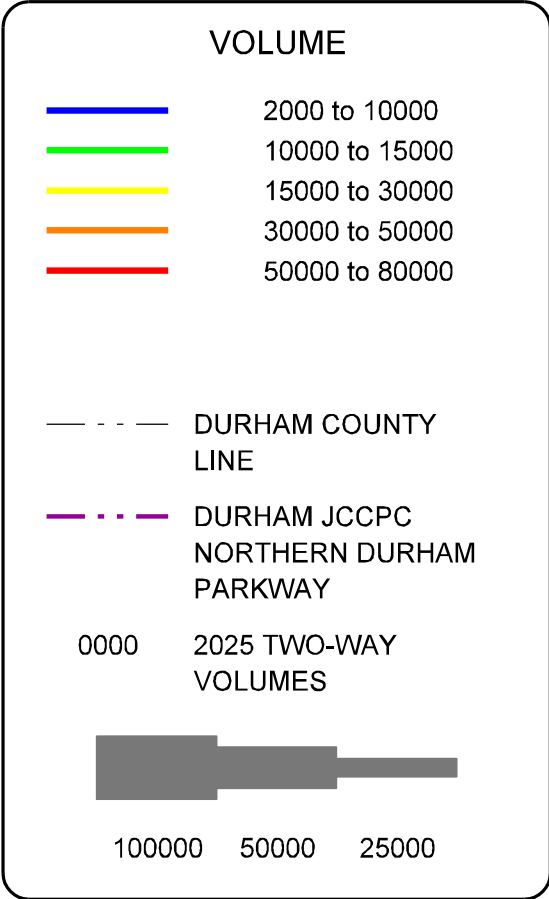
Northern Durham  
Parkway  
2025 Traffic Volumes



TRAFFIC VOLUME	TYPICAL NUMBER OF LANES WARRANTED
2000 to 10000	2 - LANES
10000 to 15000	2 - LANES
15000 to 30000	4 - LANES
30000 to 50000	4 to 6 - LANES
50000 to 80000	6 to 8 - LANES



# Northern Durham Parkway



## Northern Durham Parkway 2025 Traffic Volumes

### 3. Northern Durham Parkway Transportation Services

To forecast how the Northern Durham Parkway would serve the future traffic demands within the planned roadway network, future traffic volumes on various roads with the Northern Durham Parkway were compared to the future traffic volumes on the same roads without the Northern Durham Parkway. This comparison was made to determine which roadways in the network would experience a reduction in traffic volumes and a subsequent relief in traffic congestion.

A review of Exhibits 3 and 4 reveals that the traffic patterns in northern Durham are substantially the same with and without the Northern Durham Parkway. For example, the volumes along existing Roxboro Road (US 501) are essentially the same with the Northern Durham Parkway Alternative as with the No-Build Alternative. A few arterial routes show some changes in volumes, but only for short segments.

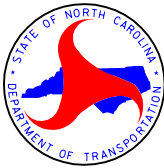
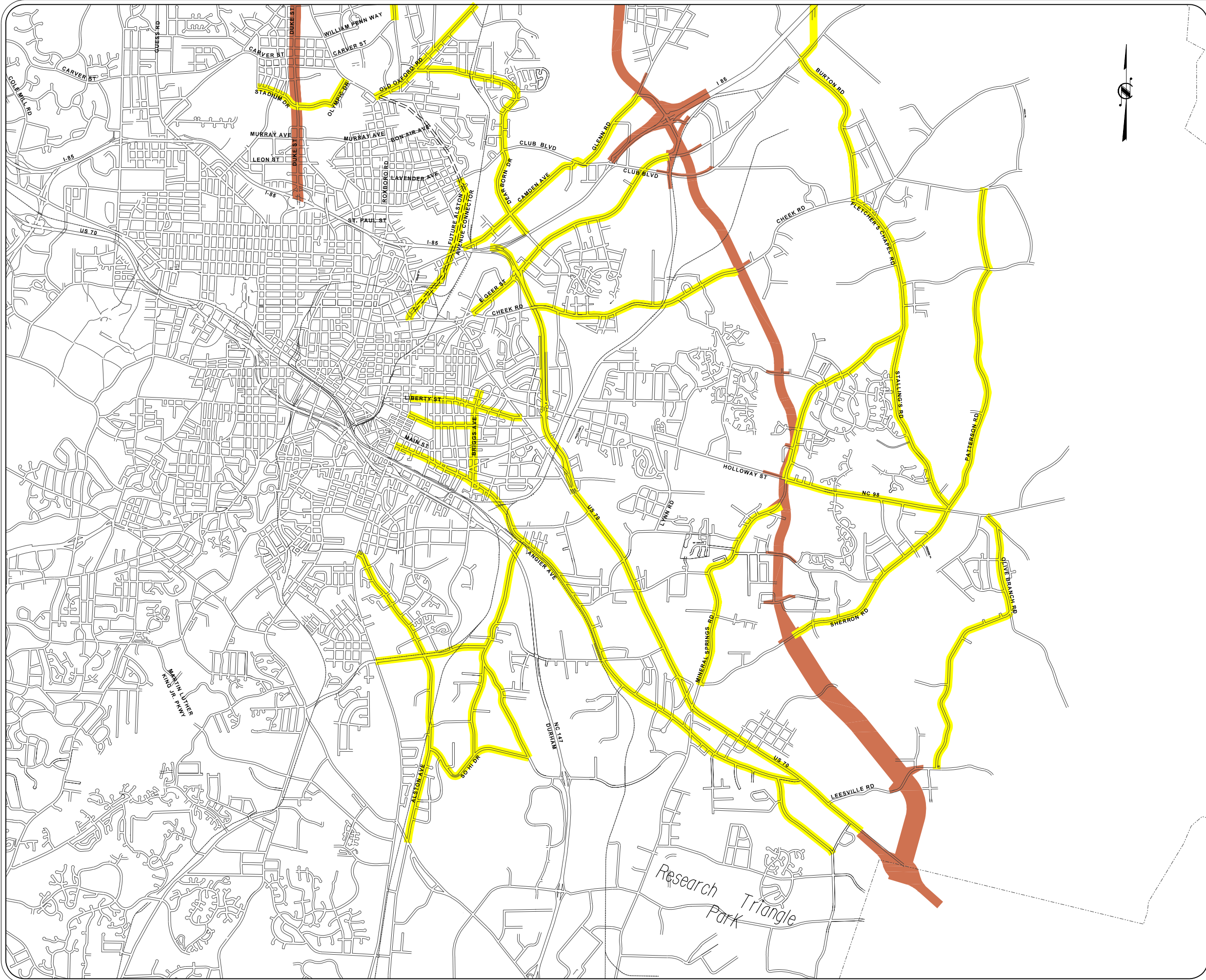
Exhibits 5, 6, and 7 illustrate the roadways that would experience at least a 10 percent, a 20 percent, and a 30 percent reduction in traffic with the Northern Durham Parkway. Five of the twelve roads listed as deficient in the Thoroughfare Plan will experience a 10 percent reduction in traffic. These roads include Old Oxford Road, NC 98, US 70, Sherron Road, and Mineral Springs Road. However, only Sherron Road and Mineral Springs Road will experience at least a 30 percent reduction in traffic. These two roads are located in the southeastern area of the project.

Some decreases in traffic are also shown along Snow Hill Road and Orange Factory Road in the areas near the Northern Durham Parkway which confirms that the Northern Durham Parkway would primarily serve the less developed areas of northern Durham County.

In summary, comparison of the traffic projections for the Northern Durham Parkway and the No-Build Alternative show that the Northern Durham Parkway would serve some traffic in the northern areas of Durham County. However, little to no benefit is seen on the roadways listed in the Thoroughfare Plan as deficient. These deficient roadways are located within the Durham city limits north and west of central Durham.

**Answer C:** The Northern Durham Parkway will not significantly reduce travel demand or relieve traffic congestion on existing and planned arterial routes and is, therefore, inconsistent with the purpose and need for a loop roadway in northern Durham.





# Northern Durham Parkway



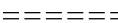
MODIFIED  
NORTHERN DURHAM  
PARKWAY CORRIDOR



ROADS WITH A 10%  
OR GREATER  
REDUCTION IN  
2025 TRAFFIC



DURHAM COUNTY  
LINE

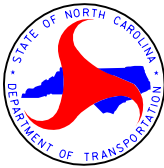


FUTURE ROAD  
PROJECTS





- NOTES:
- 1) Only major roadways included in the Triangle Regional model were compared.
  - 2) The future Alston Avenue Connector location shown on map is approximate. The location of this roadway has not been determined to date.

Ten Percent  
Traffic Reductions



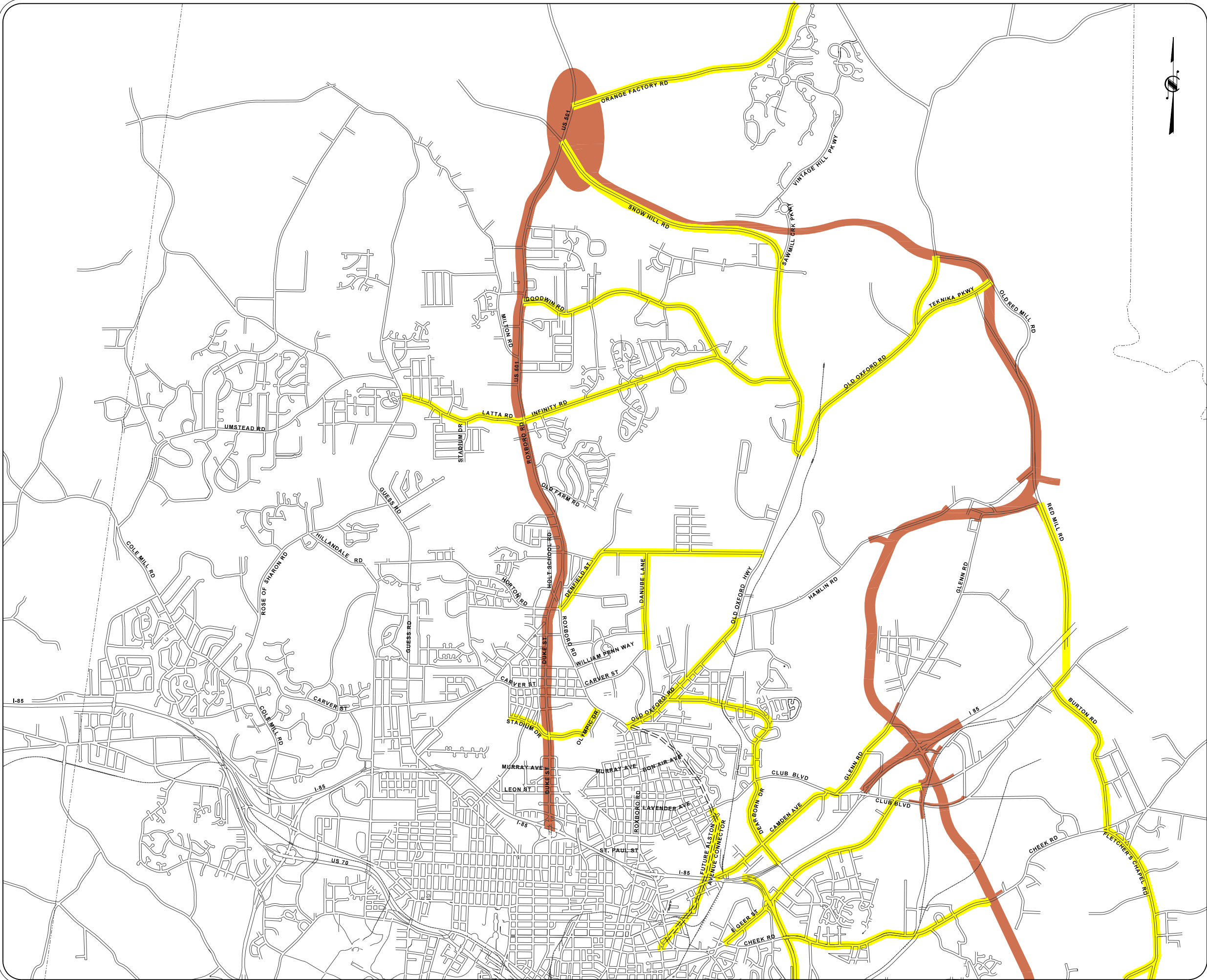


# Northern Durham Parkway

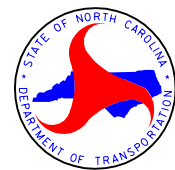
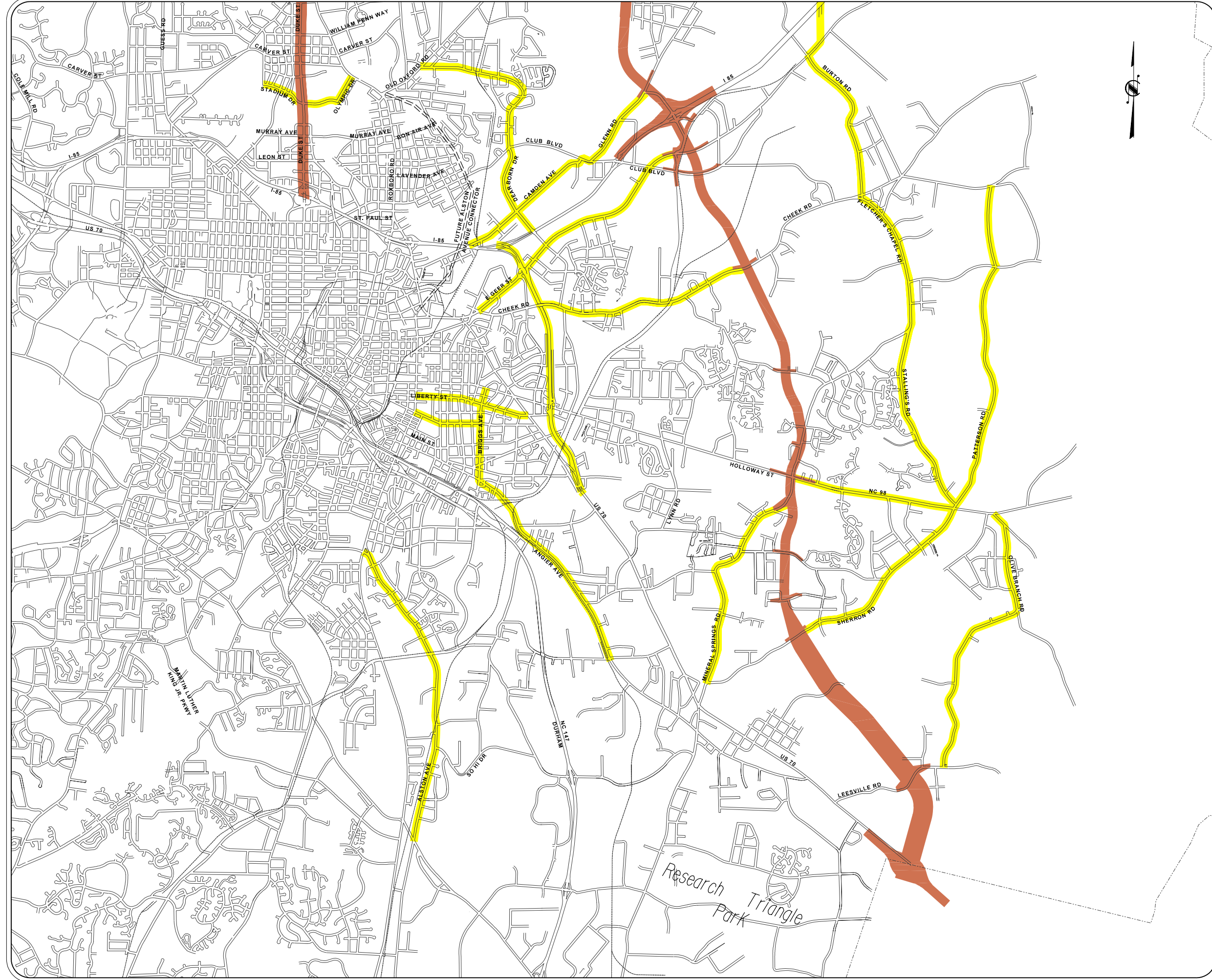
-  MODIFIED  
NORTHERN DURHAM  
PARKWAY CORRIDOR
-  ROADS WITH A 10%  
OR GREATER  
REDUCTION IN  
2025 TRAFFIC
-  DURHAM COUNTY  
LINE
-  FUTURE ROAD  
PROJECTS

NOTES:  
1) Only major roadways included in the Triangle  
Regional model were compared.  
2) The future Alston Avenue Connector  
shown on map is approximate. The location of  
this roadway has not been determined to date.


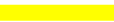


Ten Percent  
Traffic Reductions







# Northern Durham Parkway

-  MODIFIED  
NORTHERN DURHAM  
PARKWAY CORRIDOR
-  ROADS WITH A 20%  
OR GREATER  
REDUCTION IN  
2025 TRAFFIC
-  DURHAM COUNTY  
LINE
-  FUTURE ROAD  
PROJECTS

NOTES:  
1) Only major roadways included in the Triangle  
Regional model were compared.  
2) The future Alston Avenue Connector location  
shown on map is approximate. The location of  
this roadway has not been determined to date.

Twenty Percent  
Traffic Reductions





# Northern Durham Parkway



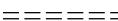
MODIFIED  
NORTHERN DURHAM  
PARKWAY CORRIDOR



ROADS WITH A 20%  
OR GREATER  
REDUCTION IN  
2025 TRAFFIC



DURHAM COUNTY  
LINE



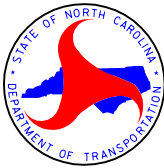
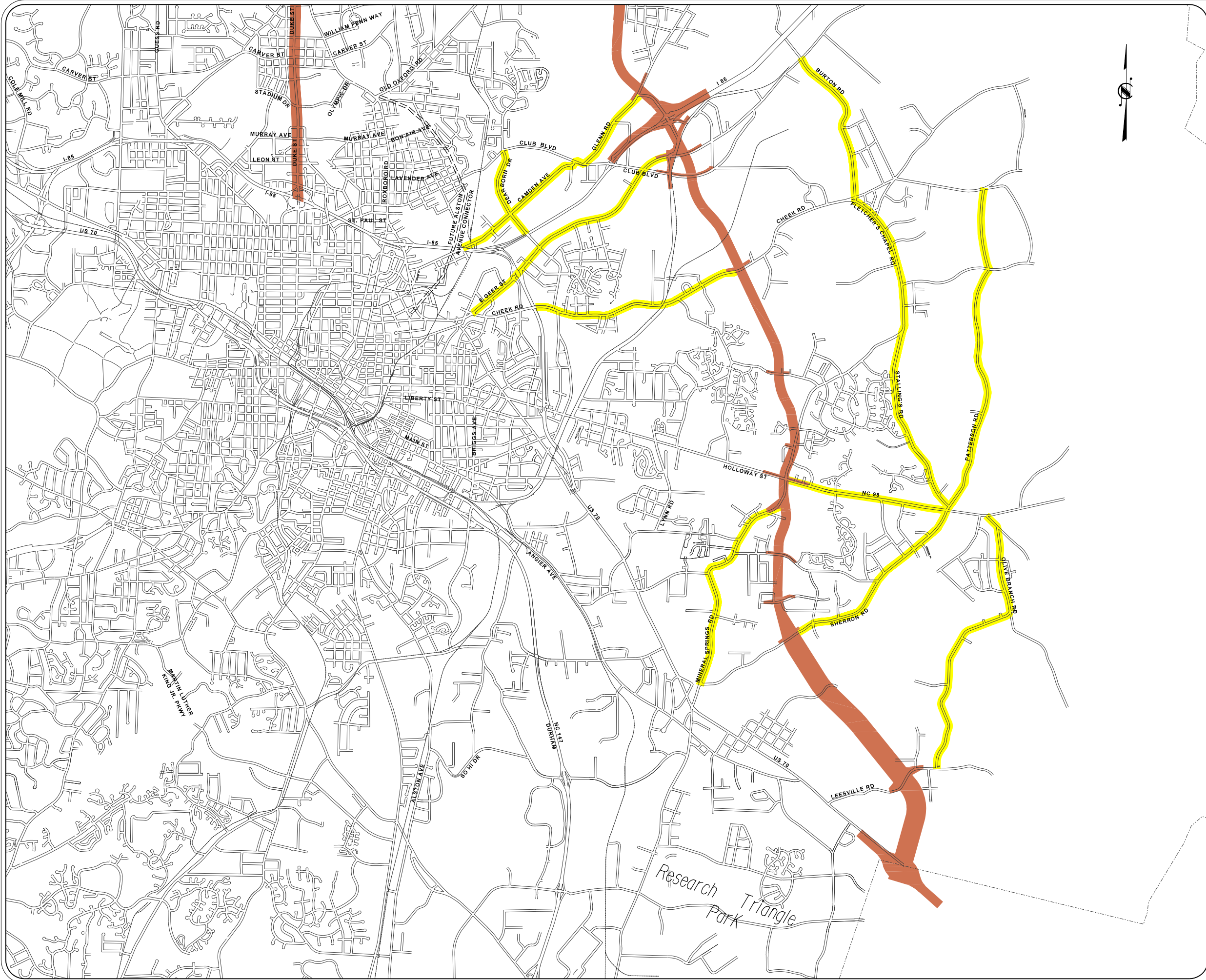
FUTURE ROAD  
PROJECTS

NOTES:





- 1) Only major roadways included in the Triangle Regional model were compared.
- 2) The future Alston Avenue Connector location shown on map is approximate. The location of this roadway has not been determined to date.

Twenty Percent  
Traffic Reductions





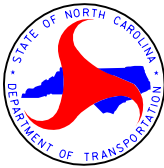
# Northern Durham Parkway

-  MODIFIED  
NORTHERN DURHAM  
PARKWAY CORRIDOR
-  ROADS WITH A 30%  
OR GREATER  
REDUCTION IN  
2025 TRAFFIC
-  DURHAM COUNTY  
LINE
-  FUTURE ROAD  
PROJECTS

NOTES:  
1) Only major roadways included in the Triangle  
Regional model were compared.  
2) The future Alston Avenue Connector location  
shown on map is approximate. The location of  
this roadway has not been determined to date.

Thirty Percent  
Traffic Reductions





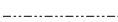
# Northern Durham Parkway



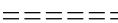
MODIFIED  
NORTHERN DURHAM  
PARKWAY CORRIDOR



ROADS WITH A 30%  
OR GREATER  
REDUCTION IN  
2025 TRAFFIC



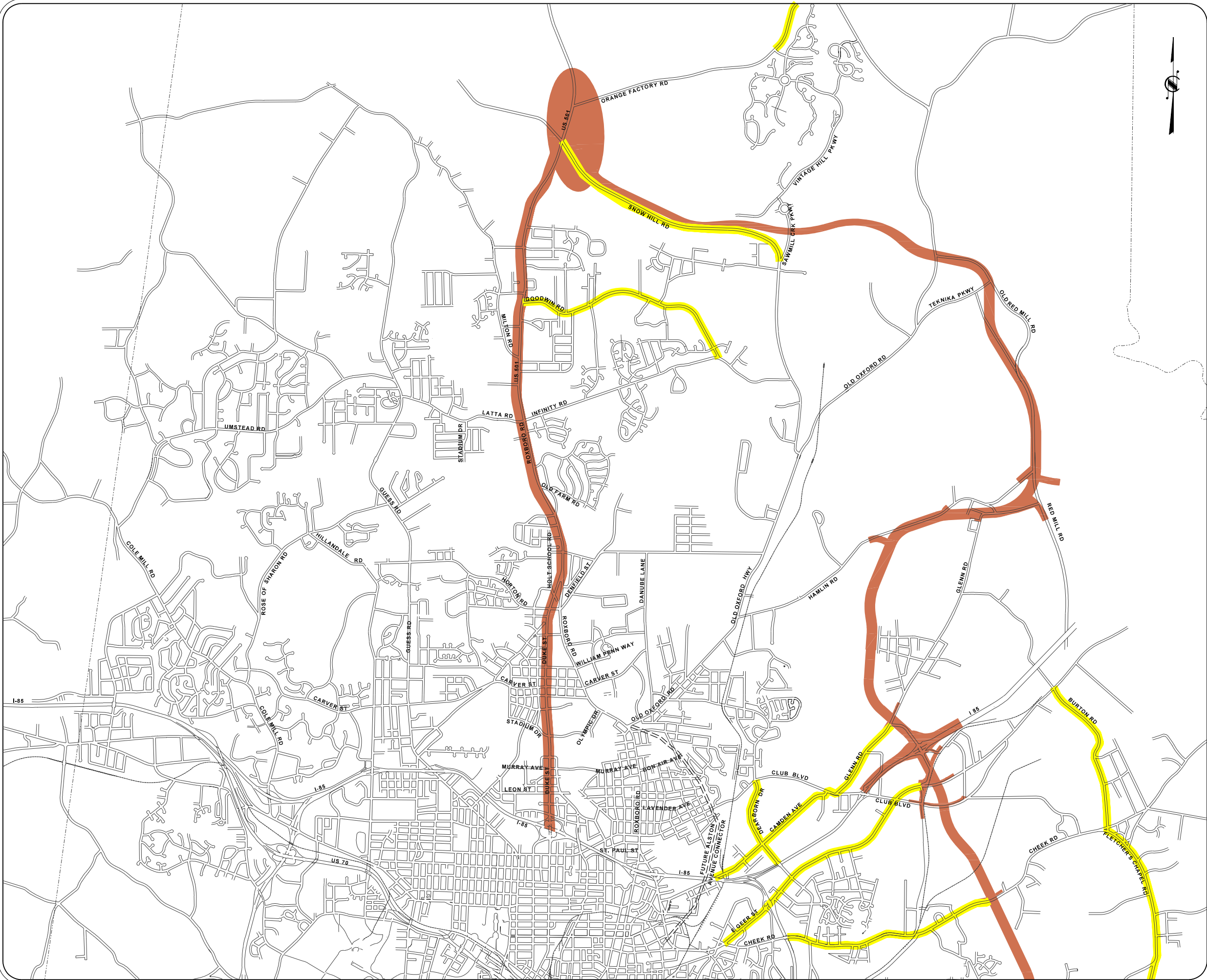
DURHAM COUNTY  
LINE



FUTURE ROAD  
PROJECTS

- NOTES:
- 1) Only major roadways included in the Triangle Regional model were compared.
  - 2) The future Alston Avenue Connector location shown on map is approximate. The location of this roadway has not been determined to date.

Thirty Percent  
Traffic Reductions



## V. June 1999 City and County Resolutions

As discussed in Section II, the Durham Joint City-County Planning Committee presented their resolution to support the Northern Durham Parkway to the NCDOT and the local elected officials on May 21, 1999. This resolution, endorsed by the City and County in June, was proposed as a joint community effort to emphasize commitment in “encouraging the protection of the Eno River Basin and parkland, Little River Basin, Penny’s Bend rare plant habitats, and residential neighborhoods as transportation improvements are designed and implemented.” There were several items in addition to the Northern Durham Parkway proposed in the resolution. Several of these items were addressed by the City and County’s implementation and approval of the Durham Transportation Demand Management Plan in April 2000 and the approval of the Triangle Regional Model in 2001. However, the NCDOT offers the following responses to each item listed in the resolution:

**Resolution Item 1:** “As the substitute for the Northwest and Northeast Loop (TIP Nos. R-2630 and R-2631) and proposed Durham Northern Freeway, the Board of County Commissioners and City Council endorse the Northern Durham Parkway and associated road improvements, as specifically described in the map and list that are attached as appendices to this resolution.”

**NCDOT Response:** *The NCDOT conducted an “Alternative Evaluation” for the proposed Northern Durham Parkway as a potential substitute for the Preferred Alternate for the Durham Northwest and Northeast Loop. The Northern Durham Freeway is shown on the current Thoroughfare Plan for the area but is not reflected in the Current Trend Base Plan used for traffic forecasts in the Alternative Evaluation.*

**Resolution Item 2:** “The Board of County Commissioners and City Council endorse a sequence of road construction that simultaneously begins with construction in the north, i.e., in the vicinity of the proposed Red Mill extension at US 501, and in the south, i.e., in the vicinity of US 70.”

**NCDOT Response:** *The City of Durham, through the local Metropolitan Planning Organization (MPO), should coordinate their construction scheduling preferences with NCDOT as part of the biannual adoption of the Transportation Improvement Program.*

**Resolution Item 3:** “The Board of County Commissioners and City Council recommend that the Durham representatives on the Transportation Advisory Committee (TAC) to make a motion and advocate adoption at the TAC’s next meeting that endorses the substitution and construction sequence described in the previous paragraphs (1 and 2).”

**NCDOT Response:** *No action is required by NCDOT relative to this item.*

**Resolution Item 4:** “The Board of County Commissioners and City Council endorse the road construction performance standards and measures for mitigating water quality impacts from road construction that are listed in appendix three to this resolution, stipulate these standards and measures as the minimum that are necessary, and call for full funding and the most stringent adherence to these standards and measures.”

**NCDOT Response:** *Funding and adherence to these standards and measures are not part of the Alternative Evaluation.*

**Resolution Item 5:** “The Board of County Commissioners and City Council endorse a well-funded, inclusive planning process that within one year will develop a Durham Transportation Demand Management Plan which seeks to reduce travel by single-occupant vehicles by at least 10 percent in no more than five years.”

**NCDOT Response:** *A Durham Transportation Demand Management Plan was approved by the Durham City Council and Board of County Commissioners in April 2000. The same reduction in travel demand through the use of this program was included in the traffic forecasts for the Northern Durham Parkway Alternative and the No-Build Alternative.*

**Resolution Item 6:** “The Board of County Commissioners and City Council strongly recommend that the City and County jointly fund a Durham Transportation Demand Management Plan described in the previous paragraph (Resolution Item 5) and seek federal and state funding to the maximum extent feasible.”

**NCDOT Response:** *The Durham City Council and County Board of Commissioners approved the Durham Transportation Demand Management Plan in April 2000.*

**Appendix 2 – Item 1:** “4-lane Class I rural arterial (parkway) with 45 MPH speed limit (capacity per direction of 19,700 ADT), limited access to newly-constructed segments, landscaped median and right of way, turn bays, bus pull-outs, sidewalks, facilities for bicycles, and maximum use of noise mitigation measures.”

**NCDOT Response:** The Northern Durham Parkway was evaluated to conform to the specifications identified in this item to the extent practicable.

**Appendix 2 – Item 2:** “Alignment begins at US 70 at proposed extension to Aviation Parkway and follows NCDOT’s preferred alignment (Alternative 3) to Hamlin Road.”

**NCDOT Response:** The Northern Durham Parkway and the Durham Northwest and Northeast Loop use the same corridor between US 70 and Hamlin Road.

**Appendix 2 – Item 3:** “Alignment follows Hamlin Road to Red Mill Road, then follows Red Mill Road north.”

**NCDOT Response:** The location evaluated for the Northern Durham Parkway follows Hamlin Road to Red Mill Road and Red Mill Road to SR 1004. The corridor was refined along Hamlin Road and Red Mill Road in some locations to adhere to AASHTO design standards and to avoid impacts to existing and proposed development.

**Appendix 2 – Item 4:** “A new segment links Red Mill Road with Roxboro Road (Thoroughfare Plan alignment), extending across the Little River and passing north of existing Snow Hill Road.”

**NCDOT Response:** The Northern Durham Parkway generally follows the path described between Red Mill Road and US 501. The Northern Durham Parkway was refined in some locations to minimize impacts to wetlands and to proposed development within the Treyburn Industrial/Residential Site Plans.

**Appendix 2 – Item 5:** “Alignment follows existing Roxboro Road/Duke Street south to I-85 and existing intersections are upgraded, as needed.”

**NCDOT Response:** The Northern Durham Parkway uses the existing routes of Roxboro Road and Duke Street to connect to I-85.

**Appendix 2 – Item 6:** “Extend Carver Street as 3 lanes to link up with Hamlin Road at Old Oxford Road.”

**NCDOT Response:** The extension of Carver Street to Old Oxford Road is on the current Thoroughfare Plan and is included in the Current Trends Base Plan for the area.



**Appendix 2 – Item 7:** “Upgrade Old Oxford Road but retain 2-lane cross-section for this road, until demand warrants a wider cross-section.”

**NCDOT Response:** *The proposed upgrade of Old Oxford Road is a separate project. A two-lane cross section on Old Oxford Road was used for the Northern Durham Parkway evaluation.*

**Appendix 2 – Item 8:** “Replace the Old Oxford Road bridge across the Eno River by a higher/longer span bridge to improve the river as a wildlife corridor.”

**NCDOT Response:** *The Old Oxford Road bridge over the Eno River is a separate project. The City of Durham should coordinate through the local MPO with NCDOT on this transportation improvement.*

**Appendix 2 – Item 9:** “Relocate intersection of Snow Hill and Old Oxford Roads to a point north and east of the diabase glade sites (Thoroughfare Plan alignment).”

**NCDOT Response:** *Relocation of the intersection of Snow Hill Road and Old Oxford Road is a separate project and would be common to both alternates being considered in this study. The City of Durham should coordinate through the local MPO with NCDOT on this added transportation improvement.*

**Appendix 2 – Item 10:** “Upgrade other existing intersections, using roundabouts where they are beneficial.”

**NCDOT Response:** *Upgrading unspecified intersections and adding roundabouts are separate projects. The City of Durham should coordinate through the local MPO with NCDOT on this intersection improvement.*

### **Appendix 3 – All Items**

**NCDOT Response:** *The performance standards and mitigation measures outlined in this appendix should be coordinated with the City of Durham through the local MPO, NCDOT, and other appropriate agencies.*

## VI. Conclusion

The NCDOT has evaluated the Northern Durham Parkway based on three key factors. The answers to these questions are as follows:

- A. The Northern Durham Parkway is not eligible for funding by the 1989 Highway Trust Fund Act as a Loop Project,
- B. The Northern Durham Parkway could have significant impacts to the natural and human environment and is not likely to be permitted as the “Least Environmentally Damaging Practicable Alternative”, and
- C. The Northern Durham Parkway would not serve the transportation purpose and needs consistent with a Loop Project.

The first question was answered based on the legal definition of the Northern Durham Loop outlined in the 1989 Highway Trust Fund Act. The second question was answered based on the potential for significant impacts to natural and cultural resources in the project area and the opposition expressed by federal and state environmental regulatory and resource agencies to the Parkway. The US Army Corps of Engineers’ and the NC Wildlife Resources Commission’s specific comments opposing the Northern Durham Parkway are as follows:

Comment: “We would be opposed to an alignment of the Northern Durham Parkway which crosses Falls Lake project lands and brings the potential for additional impacts to NCWRC Game Lands. Routes to the west of this property should be thoroughly evaluated.”  
(**Agency Comment 11:** North Carolina Wildlife Resources Commission – Habitat Conservation Program, May 23, 2000)

Comment: “The environmental concerns that were expressed during development of the Durham Loop Draft Environmental Impact Statement about routes crossing the Corps of Engineers mitigation lands remain valid. We do not support alternatives that cross the public lands and waters at Falls Lake.” (**Agency Comment 4:** U.S. Army Corps of Engineers – Falls Lake, May 12, 2000)



Comment: “The proposed alignment of the Northern Durham Parkway crosses portions of Falls Lake at Ellerbe Creek, the Eno River, and U.S. Army Corps of Engineers lands surrounding Red Mill Road. The lands in this area are leased to the State of North Carolina Wildlife Resources Commission (NCWRC). We have consulted with the NCWRC (North Carolina Wildlife Resources Commission) as our management partners in the area, and concur with their objections to the proposed alignment.” (**Agency Comment 1:** U.S. Army Corps of Engineers – Falls Lake, May 12, 2000)

Apart from the funding sources needed and the magnitude of the potential impacts to natural and cultural resources, the Northern Durham Parkway provides only minimal transportation benefits to the northern areas of Durham and Durham County.

The Northern Durham Parkway would improve access and save commuting time for people traveling from Person County and the northern areas of Durham County to the Research Triangle Park and the Raleigh Durham Airport. However, the Northern Durham Parkway would not meet the purpose of and need for a loop facility as established in the current adopted Durham-Chapel Hill-Carrboro Thoroughfare Plan.

The Thoroughfare Plan identifies several arterial routes in Durham as deficient roadways. Based on the design year 2025 traffic volumes projected by the Triangle Regional Model, the traffic demands on the transportation network with the Northern Durham Parkway are not significantly different than the demands on the network with the No-Build Alternative. An additional comparison of the traffic volumes on the major arterials identified in the Thoroughfare Plan as deficient determined no significant differences in traffic volumes with or without the Parkway.

Therefore, the Northern Durham Parkway is not considered a viable alternative for a loop project and does not warrant additional detailed studies in a supplemental State Draft Environmental Impact Statement for the Northwest and Northeast Loop.

## **REFERENCES**

*Durham-Chapel Hill-Carrboro Urban Area Thoroughfare Plan and Report*, Durham Metropolitan Planning Organization, 1991.

*2002-2009 Transportation Improvement Program*, NCDOT.

*Draft Environmental Impact Statement, Durham Northwest and Northeast Loop, TIP Nos. R-2630 and R-2631*, NCDOT, October 1994.

*Preferred Alternative Report, Durham Northwest and Northeast Loop Corridor Study*, NCDOT, May 1995.

*Traffic Analysis Report, Northern Durham Parkway, Northwest and Northeast Loop*, NCDOT, January 2002.

*Durham City/County Land Use Plans*, Durham City/County Planning Department, December 1995

*North Carolina Highway Trust Fund*, General Statute, Chapter 136-180, Article 14.

*Performance Audit*, Department of Transportation North Carolina Highway Trust Fund, State of North Carolina, Office of State Auditor, December 1989.

*Final Report of the Northeast/Northwest Alternatives Committee*, Northeast/Northwest Alternatives Committee, June 1996

*Environmental Impacts of the Proposed Northwest/Northeast Loop*, Durham Environmental Affairs Board, October 1998,

**\*\*NOTE:** Information listed is available at the NCDOT Project Development and Environmental Analysis Branch and at the City of Durham Transportation Division.

## **APPENDICES**

Appendix A: NCDOT Correspondence

Appendix B: Durham City and County Resolutions

Appendix C: Northern Durham Parkway Agency Correspondence

## **Appendix A**

### **NCDOT Correspondence**

- Exhibit A-1 1989 Highway Trust Fund
- Exhibit A-2 Announcement of Preferred Alternate—September 12, 1997
- Exhibit A-3 Transportation Secretary Norris Tolson’s Letter—March 18, 1998
- Exhibit A-4 Transportation Secretary Norris Tolson’s Letter—April 1, 1998
- Exhibit A-5 Transportation Secretary Norris Tolson’s Letter—May 12, 1998
- Exhibit A-6 Transportation Secretary Norris Tolson’s Letter—February 5, 1999
- Exhibit A-7 Transportation Secretary Norris Tolson’s Letter—February 22, 1999
- Exhibit A-8 Transportation Secretary David McCoy’s Letter—July 1, 1999
- Exhibit A-9 Attorney General Letter—September 25, 2000

§ 136-180. (For contingent repeal see editor's note) Urban loops.

Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops:

Loop	Description	Affected Counties
Asheville Western Loop	Multilane facility on new location from I-26 west of Asheville to US-19/23 north of Asheville for the purpose of connecting these roads. The funds may be used to improve existing corridors.	Buncombe
Charlotte Outer Loop	Multilane facility on new location encircling City of Charlotte	Mecklenburg
Durham Northern Loop	Multilane facility on new location from I-85 west of Durham to US-70 east of Durham	Durham, Orange
Greensboro Loop	Multilane facility on new location encircling City of Greensboro	Guilford
Raleigh Outer Loop	Multilane facility on new location from US-1 southwest of Cary northerly to US-64 in eastern Wake County	Wake
Wilmington Bypass	Multilane facility on new location from US-17 northeast of Wilmington to US-17 southwest of Wilmington	New Hanover
Winston-Salem Northbelt	Multilane facility on new location from I-40 west of Winston-Salem northerly to I-40 in eastern Forsyth County	Forsyth

(1989, c. 692, s. 1.1.)

§ 136-180.1. Proposed Durham Northern loop.

The Department of Transportation shall notify the owners of all property that is within a corridor located in Durham County and is being considered as a possible alignment of the proposed Durham Northern loop of at least one informational workshop, if one is held, and any public hearings on that urban loop. These notifications shall be made by first-class mail and shall be made no less than 30 days prior to the scheduled workshop or public hearing. Prior to a decision on the proposed Durham Northern loop, the Department of Transportation shall consider all alternatives advanced by interested parties including improvements to existing corridors and consider

neighborhood growth, economic development patterns and trends, the best protection for the environment, and limitation on encroachment upon State parks. A public report shall be made by the Department of Transportation of its findings and the basis for its decision. (1995 (Reg. Sess., 1996), c. 590, s. 14.)





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

PUBLIC AFFAIRS DIVISION  
P.O. BOX 25201, RALEIGH, N.C. 27611-5201

GARLAND B. GARRETT JR.  
SECRETARY

Release: Immediate  
Contact: Bill Jones, (919) 715-2393 or  
email: bill\_jones@mail.dot.state.nc.us  
Release No:

Date: Sept. 12, 1997  
Distribution: Special

### DURHAM'S NORTHEAST LOOP ROUTE CHOSEN

**Raleigh** --- The N. C. Department of Transportation (NCDOT) today announced the selection of Alternative 3 as the preferred alternative for the Northeast Loop in Durham.

Alternative 3 begins at Guess Road (NC 157) and ends at US 70 east of Durham. It follows the route of the current Durham-Chapel Hill-Carrboro Thoroughfare Plan and was chosen because it minimizes the number of relocations and environmental impacts and costs less than the other alternatives. Alternative 3 will help ease current and future traffic congestion in north and east Durham and Durham County.

Alternative 3 was chosen after a careful review of comments received from the public, local and state agencies and recommendations from the Durham Northeast/Northwest Alternatives Committee. The NCDOT will proceed with final environmental documentation for this portion of the loop and will hold a public hearing next year.

Right-of-way acquisition for the northeast loop is scheduled to begin in 2001 and construction in 2002.

NCDOT will conduct additional studies for the northwest loop from Guess Road west to I-85 and identify alternatives that will minimize impacts to the new sections of Eno State Park and adjacent neighborhoods.

For more information about this project, contact Frank Vick, Planning and Environmental Branch at (919) 733-3141.

\*\*\*NCDOT\*\*\*



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

E. NORRIS TOLSON  
SECRETARY

March 18, 1998

Mr. Wayne Cash  
President, Eno River Association  
4419 Guess Road  
Durham, North Carolina 27712

Dear Mr. Cash:

Thank you for your recent letter. I enjoyed meeting with you and learning more about the proposed Eno Drive project. I am committed to hearing from all sides of this issue and allowing the local communities to take the lead in determining the outcome for local road construction.

The 1989 Highway Trust Fund legislation specifies that the funding for the seven designated urban loop projects be separate from the equity formula that applies to all other highway projects. The funding authorized is a revenue stream to accomplish specific tasks, not a set amount to be spent in any particular city. Section 136-180 of the General Statutes states, "Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops...Durham Northern Loop, multilane facility on new location from I-85 west of Durham to US 70 east of Durham in Durham and Orange Counties." This was later amended to add, "Prior to a decision on the proposed Durham Northern loop, the Department of Transportation shall consider all alternatives advanced by interested parties including improvements to existing corridors and consider neighborhood growth, economic development patterns and trends, the best protection for the environment, and limitation on encroachment upon state parks."

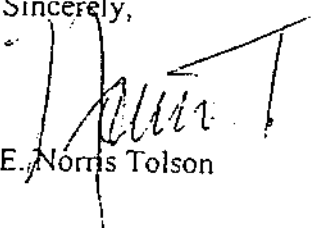
These laws are very prescriptive. We will certainly consider all alternatives which meet these legal requirements. As you have suggested, funding alternatives that do not meet these requirements would most likely require additional action by the legislature. These projects were included in the Highway Trust Fund Legislation to accomplish certain development and local and regional travel service goals. I certainly support the goals of the legislation. Without seeing specific proposals, it is not possible to say what legislation we might or might not support at this time. We will certainly be willing to discuss any proposed legislation that serves local and regional travel needs and does not adversely impact our ability to complete the other designated loops.

Mr. Wayne Cash  
March 18, 1998  
Page 2

The 1998-2004 Transportation Improvement Program identifies \$35 million in the years 2001 through 2004 for the eastern portion of the loop (US 70 East to I-85 North). If the local MPO were to remove this project from the local Transportation Improvement Program, we would normally reallocate these funds to the other six designated urban loop projects in the state. I have asked the local governing bodies whether they wish us to proceed with the project or indefinitely delay it. If the legislation were changed in some fashion, we would need to evaluate the relative priority of the eligible projects, the availability of funds, and the preconstruction time necessary to develop the projects to the right of way acquisition and/or construction phases prior to determining when funds would be spent in the Durham area.

Once again, thank you for taking the time to meet with me last month. I appreciate your concern for the transportation needs of your community. If I may be of further assistance, please let me know.

Sincerely,



E. Norris Tolson

ENT/cwl

cc: Governor James B. Hunt  
Carolyn Grant, Member, Board of Transportation  
Alice Gordon, Chair, Metropolitan Planning Organization  
Larry Holt, Chairman, No Build Alternative



STATE OF NORTH CAROLINA  
**DEPARTMENT OF TRANSPORTATION**

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

E. NORRIS TOLSON  
SECRETARY

April 1, 1998

By Facsimile Transmission

The Honorable Becky Heron  
Durham County Commissioners  
Durham, North Carolina 27701

Dear Becky:

Please let me clarify what I have said about funding for the Eno Drive project.

It is not my intention to give Durham County's money to anyone else. As long as there is the potential for building a loop for Durham County, the funds will remain intact. If it is the consensus of the Durham community and the Department of Transportation not to build the loop, we will use as much of the available funding as permitted by law to do other projects for Durham County.

I hope this helps you to understand my position. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "E. Norris Tolson", with a long horizontal line extending to the right.

E. Norris Tolson





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

JAMES B. HUNT JR.  
GOVERNOR

E. NORRIS TOLSON  
SECRETARY

May 12, 1998

By facsimile transmission

Honorable Nicholas J. Tennyson  
Mayor  
City of Durham  
101 City Hall Plaza  
Durham, North Carolina 27701-3328

Honorable MaryAnn E. Black  
Chairperson  
Durham County Commissioners  
200 E. Main Street  
Durham, North Carolina 27701

Dear Mayor Tennyson and Commissioner Black:

It is my goal as secretary of the Department of Transportation to be receptive and responsive to the wishes and needs of the citizens of North Carolina with regard to transportation issues.

During the past four months, I have met with many citizens concerned about the proposed Durham Northwest/Northeast Loop known as Eno Drive. As you know, I have met with representatives of the Durham City Council and the Durham County Commissioners. I have met with members of the Eno River Association and with individuals from local advocacy groups and homeowner associations. While the concerns I have heard vary, a common theme has come from this input -- that a decision should be made on this project.

In recent weeks, there has been some confusion concerning how state law impacts this project. I want to clearly state the law and how it affects our funding authority.

Honorable Nicholas J. Tennyson  
Honorable MaryAnn E. Black  
Page Two  
May 12, 1998

When the Legislature established the State Highway Trust Fund in 1989, it designated a specific portion (25 percent) of the Trust Fund revenues for the planning, design and construction of seven urban loops. This means the funds programmed for the Eno Drive loop cannot be used for any transportation projects except one of the urban loops designated in the Trust Fund statute. Funding for other projects in Durham would require a reallocation of funds that are subject to the equity formula. Since the distribution region comprised of Divisions Five and Six is over budget, additional funds for projects in Durham cannot be allocated without delaying or deleting projects in other counties in those divisions.

Currently, we do not know what effect removal of the Eno Drive project from the Transportation Improvement Program (TIP) will have on the area's future air quality. A technical re-analysis of Durham's existing transportation plan, approved by the Durham Metropolitan Planning Organization (MPO), would be required. That analysis means developing a new air quality model reflecting the changes in the transportation network. While this is underway, all new construction in the Durham area would stop until the analysis was completed and approved by the Federal Highway Administration.

I have asked, both publicly and privately, that the citizens of Durham come together with one voice on this project. I am once again asking that of you. I urge you to contact to your citizens and come to a consensus so this very important issue can be resolved. Please let us know if we can provide any additional information to you or the community. I would appreciate your response within the next thirty days. We all look forward to a resolution soon.

Sincerely,



E. Norris Tolson



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

E. NORRIS TOLSON  
SECRETARY

February 5, 1999

The Honorable Becky M. Heron  
Durham County Board of Commissioners  
4425 Kerley Road  
Durham, North Carolina 27705

Dear Ms. Heron:

Thank you for sending me a copy of the report entitled "Environmental Impacts of the Proposed Northwest/Northeast Corridor" prepared by the Durham Environmental Affairs Board. Our planning and environmental staff will review the report and address the findings, in detail, in the Final Environmental Impact Statement.

I am concerned the Durham Board of County Commissioners feel the Department of Transportation has not been cooperative during the planning and environmental study process over the years. In September 1995, the department agreed not to select a preferred alternative until a special citizen task force could be convened to review the project alternatives. Our records do not reveal requests from your task force for any information from us, though the department made several offers of assistance. We reviewed the task force's final report, which was provided to us in December 1996, and provided comments to the Joint City-County Planning Committee in February 1997.

In addition to our efforts to cooperate with local government, the department made considerable efforts to be cooperative with private organizations as well. We met on several occasions with representatives from the Eno River Association to ensure the project alternatives did not impact the Eno River State Park. All the preliminary alternatives were designed to avoid existing park property and lands the Association showed as future acquisitions on their master plan. During these coordination meetings the Association never disclosed to the department their negotiations with the Zener family to acquire their property. This failure to share information seriously impaired the project schedule.

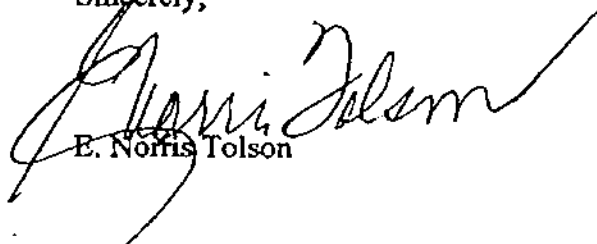
The Honorable Becky M. Heron

February 5, 1999

Page 2

We have received many letters and direct requests from concerned citizens wanting a decision on this project. I believe we have provided ample time for that decision to be made by your Board and the City Council. We are concerned that further delays on this decision will cause more hardships for your citizens who have property caught up in the potential pathways of the road and could potentially exacerbate the air quality conformity issue for Durham County. Therefore, I respectfully request that your Board and the City Council forward their consensus regarding the Durham Loop no later than March 1, 1999. Once we have that consensus we can reinstate the planning cycle on this project and provide Durham County citizens with definitive time lines.

Sincerely,



E. Norris Tolson

ENT/wdg

cc: Carolyn W. Grant, Member, Board of Transportation  
Juanita D. Shearer-Swink, Member, Board of Transportation  
Mary Ann Black, Chairperson, Durham Board of County Commissioners  
Nicholas J. Tennyson, Mayor of Durham





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

E. NORRIS TOLSON  
SECRETARY

February 22, 1999

Mr. Floyd B. McKissick, Jr.  
Chairman, Joint City-County Planning Committee  
Durham City Council Member  
4011 University Drive, Suite 203  
The BB&T Building  
Durham, North Carolina 27707

Dear Mr. McKissick:

Thank you for your letter of February 18, 1999 in which you state that the Joint City-County Planning Committee (JCCPC) will conclude its study of the Durham Loop by the end of April and that you intend to have the Durham City Council and the Durham Board of County Commissioners take action before the end of May.

I am delighted to see that your committee is moving toward closure. We have been working on this project for more than seven years and I believe another two to three months is reasonable and rational. We anticipate having a final recommendation from your boards by the end of May.

Thank you again for your efforts on this matter. I look forward to hearing in April the findings of your committee, and getting the recommendation from your boards in May.

Sincerely,

A handwritten signature in dark ink, appearing to read "E. Norris Tolson", with a long, sweeping horizontal line extending to the right.

E. Norris Tolson

ENT/lwm

cc: Carolyn W. Grant, Member, Board of Transportation



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

July 1, 1999

DAVID MCCOY  
SECRETARY

Ms. Margaret M. Bowers  
City Clerk  
101 City Hall Plaza  
Durham, North Carolina 27701

Dear Ms. Bowers:

I want to thank you and the Durham City Council for the June 17, 1999 resolution endorsing the Northern Durham Parkway, heretofore referred to as the Durham Northwest and Northeast Loop (Eno Drive). I appreciate the personal commitment that you and the City Council members demonstrated in reaching consensus on this most controversial project.

In the coming months, the Department of Transportation will conduct a fatal flaw analysis for the Northern Durham Parkway corridor using the same criteria used to evaluate the preliminary build corridors presented in the Draft Environmental Impact Statement. As part of this analysis we will schedule a series of citizens informational workshops to obtain public input. Coordination will also be initiated with federal and state environmental resource and regulatory agencies to provide the agencies an opportunity to comment on the proposed corridor. The results of this analysis will be documented and copies of the report will be provided to the Board of Commissioners. The department will render a final decision on the feasibility and reasonableness of the Northern Durham Parkway corridor based on the impacts documented in the analysis and on the comments received from the public and environmental agencies.

Again, I appreciate the tremendous effort put forward by the Durham Board of County Commissioners in achieving this hard-won consensus.

Sincerely,

A handwritten signature in cursive script that reads "David McCoy".

David McCoy

DM/wdg

cc: Eric Michaux, Member, Board of Transportation



STATE OF NORTH CAROLINA  
DEPARTMENT OF JUSTICE

MICHAEL F. EASLEY  
ATTORNEY GENERAL

REPLY TO:  
Robert O. Crawford, III  
Transportation Section

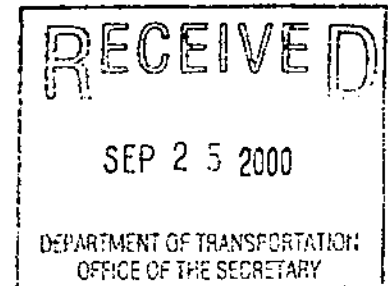
**MEMORANDUM**

TO: Janet D'Ignazio  
Chief Planning and Environmental Officer

FROM: Robert O. Crawford, III *for*  
Special Deputy Attorney General

DATE: September 25, 2000

SUBJECT: Durham Northern Loop<sup>1</sup>



• Inquiry

You have inquired whether the "system" of improvements proposed by the Durham-Chapel Hill-Carboro Metropolitan Planning Organization (MPO) for the Durham Northern Loop (or Northern Durham Parkway) can be funded with "loop" money.

• Background facts

In 1989, the legislature created the North Carolina Highway Trust Fund (Article 14 of Chapter 136 of the North Carolina General Statutes). It is a special account created within the State treasury. It consists of revenue from various taxes, fees, and interest. Funds in the Trust Fund are annually appropriated to DOT. The funds in the Trust Fund are allocated and used on Intrastate System projects (61.95%) and urban loops (25.05%), among others. N.C. Gen. Stat. § 136-176. DOT also uses federal-aid highway money on the Intrastate System and urban loops. G.S. § 136-177.1.

The Intrastate System is a network of major, multilane arterial highways. G.S. § 136-175(1). Its purpose is to provide high-speed, safe travel service throughout the state. It also provides safe, convenient, through-travel for motorists and connects major population centers both inside and outside the state. It is designed to encourage economic development. DOT may add routes to the Intrastate

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<sup>1</sup> This is an advisory memo. It has not been reviewed and approved in accordance with the procedures for issuing an Attorney General's opinion.

System if the route is multilane facility and meets other design criteria. However, no funds may be expended from the Trust Fund on routes added by DOT. G.S. § 136-178.

The "urban loops" are not specifically defined or their purpose delineated. However, G.S. § 136-180 states that funds allocated from the Trust Fund for urban loops may be used only for seven legislatively specified projects: Asheville, Charlotte, Greensboro, Raleigh, Wilmington, Winston-Salem, and Durham. The Durham Northern Loop is described in the Trust Fund law as a "multilane facility on new location from I-85 west of Durham to US-70 east of Durham." G.S. § 136-180.

In 1995, the proposed Durham Northern Loop received special legislative attention. G.S. § 136-180.1 states as follows:

The Department of Transportation shall notify the owners of all property that is within a corridor located in Durham County and is being considered as a possible alignment of the proposed Durham Northern loop of at least one informational workshop, if one is held, and any public hearings on that urban loop. These notifications shall be made by first-class mail and shall be made no less than 30 days prior to the scheduled workshop or public hearing. Prior to a decision on the proposed Durham Northern loop, the Department of Transportation shall consider all alternatives advanced by interested parties including improvements to existing corridors and consider neighborhood growth, economic development patterns and trends, the best protection for the environment, and limitation on encroachment upon State parks. A public report shall be made by the Department of Transportation of its findings and the basis for its decision. [emphasis added]

The current 2000-2006 Transportation Improvement Program (TIP) identifies the Durham Northern loop, or Eno Drive, as two Intrastate System projects. The Northeast project, ID No. R-2631, is a 6.4 mile multilane lane facility from I-85 north to US-70 east, part on new location. The Northwest project, ID No. R-2630, is a 9.7 mile multilane facility from I-85 west to I-85 north, part on new location. The funding source is identified as Highway Trust Fund. I am advised that the projects are being jointly planned and that planning is in progress. A single draft Environmental Impact Statement (EIS) was filed in 1994. The route proposed by DOT for the northwest segment intersected with I-85 near the Durham-Orange County line and stayed south of the Eno River and Eno River State Park.

As of May 1999, the MPO's preferred alternative for the Durham Northern Parkway consists of a route on new location and improvements to existing roads. The route for the northwest segment runs north from I-85 (on new location and existing roads) to north of the Eno River to US 15-501. From US 15-501, the route runs south where it consists solely of improvements to Roxboro Road and Duke Street. The route intersects with I-85 at Duke Street in Durham.



- **Issue**

The issue appears to me to be whether the MPO's preferred alternative for the northwest segment is consistent with the legislative intent to use Trust Fund money for "urban loops."

- **Analysis**

The legislature specifically ordered DOT to consider all alternatives advanced by interested parties for the Durham Northern Loop. G.S. § 136-180.1. This fact gives minimal credence to the argument that the MPO's preferred alternative can be funded with loop money. This single fact cannot be determinative. One must consider all statutory indicators to determine the legislative intent.

The General Assembly did not specifically define an "urban loop" in the Highway Trust Fund Act. (Webster's definition of a "loop" includes "a road constituting a detour," that is, going around or bypassing). Instead, the legislature generally described the seven authorized "urban loop" projects. For example, the Charlotte and Greensboro loops are described as encircling the cities. The other five urban loops are described as connecting specified roads in certain general locations. All of the loops are described as on "new location." The Durham Northern Loop is described as connecting I-85 west of Durham to US-70 east of Durham on new location.

- **Conclusion**

Based on the common meaning of a loop road and the legislature's descriptions in the Trust Fund law, it appears an "urban loop" is intended to be a route for through travelers primarily on new location encircling or bypassing a major metropolitan area.

In order for Highway Trust Fund money to be used to fund improvements to existing corridors for the Durham Northern Loop, the project must meet the legislative description of a "multilane facility on new location from I-85 west of Durham to US-70 east of Durham." It is my opinion that to the extent that the MPO proposal for the northwest segment consists of improvements to Roxboro Road and Duke Street, it is inconsistent with the legislature intent. Roxboro Road is a radial facility and enters the heart of Durham—not "west of Durham." Guess Road and Cole Mill Road are also radial routes that are not west of Durham. The legislature intended that the Durham Northern Loop consist of a bypass around Durham on new location. Roxboro Road, Cole Mill Road, and Guess Road are existing roads that have traffic capacity problems. The legislature clearly did not intend Trust Fund loop money to be used to improve existing inner city streets. The Northern Loop was intended to alleviate congestion, not add to it by using existing streets as part of the loop facility.

Let me know if I can be of any further assistance.

#29339

## **Appendix B**

### **Durham City and County Resolutions**

- Exhibit B-1 Resolution from the Durham County Commissioners stating that they do not support the Durham Northwest and Northeast Loop – February 1995
- Exhibit B-2 Resolution from the City of Durham stating that they do not support the Durham Northwest and Northeast Loop – March 1995
- Exhibit B-3 Resolution from the City of Durham supporting the establishment of a Joint City-County Committee to evaluate transportation alternatives – April 1995
- Exhibit B-4 Resolution from Durham County Commissioners supporting the Northeastern Loop to I-85 – February 1999
- Exhibit B-5 Resolution from the Durham City Council requesting review of the Northern Durham Parkway – June 1999
- Exhibit B-6 Resolution from the Durham County Commissioners requesting review of the Northern Durham Parkway – June 1999

RESOLUTION

DURHAM COUNTY BOARD OF COMMISSIONERS  
DURHAM COUNTY, NORTH CAROLINA

WHEREAS, the Durham County Board of Commissioners support and encourage quality development that will create an increased tax base, new jobs, and a reduction of the property tax; and

WHEREAS, Durham needs road development and other innovative modes of transportation; and

WHEREAS, the Northwest/Northeast Durham Loop was proposed 30 years ago; and

WHEREAS, the Northwest/Northeast Durham Loop would displace many homes and local businesses; and

WHEREAS, the Northwest/Northeast Durham Loop would damage significant and valuable wetlands and floodplains; and

WHEREAS, part of the Northwest/Northeast Durham Loop would encroach upon and damage the Eno River State Park and West Point on the Eno City Park; and

WHEREAS, the North Carolina Department of Transportation has failed to adequately demonstrate the real need for and benefits of the proposed highway; and

WHEREAS, Home and business purchasers were not made aware of the possibility of a major road corridor that would affect their property value and surrounding neighborhoods:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners cannot support the Northwest/Northeast Loop due to the serious negative impact on the citizens of Durham County, and that we petition the Honorable Governor James Hunt, the General Assembly, and the Secretary of the Department of Transportation to support legislation that gives local government the flexibility, working with the state, to designate the expenditure of trust fund monies currently allocated to loop roads for other road development and transportation needs.

BE IT FURTHER RESOLVED that the Durham County Board of Commissioners respectfully requests that the North Carolina Department of Transportation and local department staff work constructively with concerned citizens to identify potential and existing roads and alternative transportation solutions to meet current and future area needs.

This the 27th day of February, 1995.

---

Ellen W. Reckhow, Vice-Chairman

---

MaryAnn E. Black

---

Edward C. DeVito Sr.

---

Tommy Hunt

**RESOLUTION OF CONCERN  
NORTHEAST/NORTHWEST LOOP  
DURHAM, NORTH CAROLINA**

**WHEREAS,** *the City of Durham is responsible for developing both general and specific plans to promote the orderly growth and development of the area inside the corporate limits; and*

**WHEREAS,** *the City of Durham is also one of the responsible parties involved in the development of the Thoroughfare Plan, whose road portion is meant to assure that both vehicular needs and Federal Air Quality Standards are met; and*

**WHEREAS,** *it is the responsibility of the Durham City Council, when overseeing the implementation of these plans and the expenditure of taxpayer dollars, to do so with foresight, thoughtfulness, and sensitivity to the long-term quality of life of all of the citizens of Durham; and*

**WHEREAS,** *when road projects in the Thoroughfare Plan would displace individuals and businesses and potentially damage environmentally sensitive areas, particular care must be taken that the pursuit of "the greater public good" not unnecessarily nor unfairly impact some members of our community or the environmental areas the community values; and*

**WHEREAS,** *the Durham City Council shares the concerns which have been expressed for each of the three corridors identified by the recently completed Environmental Impact Study of this project; and*

**WHEREAS,** *the Durham City Council believes that local municipalities should play a more significant role in determining transportation projects within their jurisdiction which impact citizens of their communities.*

**NOW, THEREFORE, BE IT RESOLVED** *that the City Council of Durham does not like any of the proposed alternatives for the Northeast/Northwest Corridor, and asks Secretary of Transportation Sam Hunt to negotiate with the City and County officials with input from neighborhood groups to allow flexibility in the use and spending of highway transportation dollars for alternative transportation uses consistent with local needs.*

**"FINAL VOTE APRIL 17"**

**APPROVED BY  
CITY COUNCIL**

**MAR 6 1995**

*D. Ann Gray*  
**DEPUTY CITY CLERK**



**RESOLUTION OF CONCERN  
NORTHEAST/NORTHWEST LOOP**

**WHEREAS,** *we do not support any of the alignments for Eno Drive;  
and*

**WHEREAS,** *we do however support the establishment of a Joint City-  
County Committee to evaluate transportation alternatives  
to address our long-term transportation needs that would  
have been served by the proposed NE/NW Corridor.*

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** *that the Durham City  
Council supports the pending legislation in the General Assembly that would  
allow greater local control of highway transportation funds in a manner  
consistent with local needs.*

APPROVED BY  
CITY COUNCIL

APR 17 1995

*D. Ann Gray*  
DEPUTY CITY CLERK

February 8, 1999

The resolution follows:

RESOLUTION CONCERNING  
THE DRAFT FY 2000-2006  
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

- WHEREAS, The Board of County Commissioners recognizes the importance of transportation to the economic and social well-being of the community; and
- WHEREAS, A Transportation Improvement Program which identifies transportation projects scheduled for State and Federal funding over the next seven years is prepared and adopted bi-annually by the N. C. Board of Transportation and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and
- WHEREAS, The Board of County Commissioners strongly encourages extensive and meaningful public participation in the design and construction of transportation projects; and
- WHEREAS, The Board of County Commissioners strongly encourages the provision of bicycle and pedestrian facilities and protection of residential neighborhoods and the Eno River watershed as transportation improvements are designed and implemented; and
- WHEREAS, The North Carolina Board of Transportation and the Transportation Advisory Committee solicit input prior to and after the development of a Draft TIP; and
- WHEREAS, An attached list of priority projects were submitted in October 1997 by the Board of County Commissioners for funding consideration; and
- WHEREAS, The N. C. Department of Transportation and the Transportation Advisory Committee have prepared a Draft 2000-2006 TIP and seek further public comment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR DURHAM COUNTY, NORTH CAROLINA THAT:

1. The Durham-Chapel Hill-Carrboro MPO and the N. C. Department of Transportation mutually adopt a 2000-2006 TIP which programs an equitable share of federal and State transportation funds for the City of Durham; and
2. The MPO actively seek additional funding for transportation improvements by working to change the Equity Formula to recognize the special needs of Durham County as an employment hub, by restoring monies to Eno Drive (R-2631) and ensuring flexible allocation of Eno Drive monies (R-2630 and R-2631) to the most appropriate transportation improvements as determined by the Durham Board of County Commissioners and Durham City Council during 1999, and by seeking new funding sources to advance regional transportation improvements; and
3. The MPO and State should consider financing alternatives which advance both right-of-way and construction for independent phases of the US 15-501 and East End Connector projects to maximize tangible benefits for the traveling public; and
4. The N. C. Department of Transportation and the Transportation Advisory Committee should agree that the phased implementation of the NC 55 widening project should begin at the northern terminus of the project rather than the southern terminus in Wake County.

Consent Agenda 5(c). Consideration of a resolution making recommendations to the NC Department of Transportation on the Draft 2000-2006 Transportation Improvement Program (TIP) (adopt the resolution).

The NC Department of Transportation (NCDOT) has released a Draft 2000-2006 Transportation Improvement Program (TIP) which identifies the program of federal and State funded transportation projects to be implemented across the State during the next seven fiscal years. For increased public input, the State has implemented an extended public comment and outreach program. To increase fiscal responsibility, the State has made significant changes to constrain the project funding commitments to federal and State revenue forecasts. As a result of the fiscal constraint, the draft TIP proposes project delays and postponements statewide, including Durham. It is therefore recommended that the Board of County Commissioners adopt a "Resolution Concerning the Draft 2000-2006 Transportation Improvement Program (TIP)" for submittal to the Metropolitan Planning Organization (MPO) and the NCDOT. The resolution contains provisions recommended at the BOCC Worksession of February 1, 1999 and is proposed for adoption.

Wesley Parham, Senior Transportation Engineer, City Public Works Department, will be available for questions on this matter.

County Manager's Recommendation: Adoption of the resolution identified as Attachment C.

Chairman Black asked Wesley Parham to present the Draft 2000-2006 Transportation Improvement Program (TIP).

Mr. Parham stated the staff revised the resolution that the Commissioners saw earlier this month at the worksession. The insertion is bullet number two. It was dictated by the Commissioners at the worksession. That was the only change made at the worksession.

The Commissioners asked several questions and made comments about this agenda item to which Wesley Parham responded.

The following citizens spoke about this agenda item:

Brian J. Morton, 4417 Sunny Court, discussed the facts relative to Eno Drive that the citizens agreed on. The facts are as follows: transportation problems in northern Durham need to be addressed, protect residential neighborhoods as transportation improvements are designed and implemented, protect the Eno River watershed, and Eno Drive as presently configured cannot satisfy the community. The Eno River Association and No-Build Alternative have developed a comprehensive alternative to Eno Drive. He presented a copy of the report to the Commissioners.

Wayne E. Cash, 3706 Snow Hill Road, representing Eno River Association, commented about his desire to have Eno Drive built in a way that will best serve the community.

Phillip Vereen, 810 Willowdale Drive, representing the Chamber of Commerce, discussed the funding that Durham County received compared to Wake and Orange Counties. He urged the Commissioners to get the funding to build the eastern portion of Eno Drive (US 70 to I-85). A compromise should be worked out to build Eno Drive beyond I-85. An alternative could be to put Eno Drive further north.

Patrick Byker, 2614 Stuart Drive, representing the Chamber of Commerce, urged the Commissioners to adopt the resolution at this meeting as it is written. He urged the Commissioners to keep Eno Drive in the TIP.

Harry Dawley, 1313 N. Gregson Street, urged the Commissioners to make a decision about Eno Drive. The project is needed to relieve traffic congestion in northern Durham.

Ms. Hildegard Ryals, 1620 University Drive, supported the alternatives that have been offered for Eno Drive.

Mr. Bob Novak, 5500-89a Fortunes Ridge, suggested the Board maintain I-85 to Research Triangle Park. The Board should not reduce the need for Eno Drive, the section east to Guess Road needs to be built somewhere in Durham County.

Vice-Chairman Reckhow suggested that in the resolution under the description of (R2630) (the exact alignment to be determined by the City of Durham and Durham County during 1999) be added.

Commissioner Heron requested another whereas be added which would read "Whereas, the Board of County Commissioners strongly encourages the provision of bicycle and pedestrian facilities and protection of residential neighborhoods and the Eno River Watershed as transportation improvements are designed and implemented."

Commissioner Bell commented that he can support the wording that Vice-Chairman Reckhow and Commissioner Heron added in the resolution.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the wording that Vice-Chairman Reckhow and Commissioner Heron added to the resolution.

Chairman Black called for discussion on the resolution.

Commissioner Heron requested that on the second, "Now, Therefore" the last portion should be changed to read "and insuring flexible allocation of Eno Drive monies (R2630 and R2631) to the most appropriate transportation improvements as determined by the Durham County Board of Commissioners and the Durham City Council during 1999, and by seeking new funding sources to advance regional transportation improvements; and . . ."

Commissioner Bell modified his motion to include Commissioner Heron's wording. Vice-Chairman Reckhow seconded the motion.

The motion carried unanimously.

APPROVED BY  
CITY COUNCIL

RESOLUTION #8562

JUN 7 1999

*D. Ann Gray*  
DEPUTY CITY CLERK

**RESOLUTION CONCERNING THE DURHAM NORTHWEST AND  
NORTHEAST LOOP ("ENO DRIVE") AND TO ENDORSE THE  
NORTHERN DURHAM PARKWAY AND INNOVATIVE MEASURES TO  
INCREASE TRANSPORTATION OPTIONS**

WHEREAS, The controversy over the Durham Northwest and Northeast Loop ("Eno Drive") has lasted more than three decades; and

WHEREAS, The Board of County Commissioners and City Council strongly encourage protection of the Eno River basin and parklands, Little River basin, Penny's Bend, rare plant habitats, and residential neighborhoods as transportation improvements are designed and implemented; and

WHEREAS, Transportation solutions must include measures to increase transportation options by promoting alternatives to single-occupant vehicles; and

WHEREAS, Under the leadership of the Board of County Commissioners and City Council, the community has come to a consensus on the preferred solution to transportation problems in northeastern Durham.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS  
AND CITY COUNCIL, DURHAM, NORTH CAROLINA, THAT:**

1. As the substitute for the Northwest and Northeast Loop (TIP Nos. R-2630 and R-2631) and proposed Durham Northern Freeway, the Board of County Commissioners and City Council endorse the Northern Durham Parkway and associated road improvements, as specifically described in the map and list that are attached as appendices to this resolution; and
2. The Board of County Commissioners and City Council endorse a sequence of road construction that simultaneously begins with construction in the north, i.e., in the vicinity of the proposed Red Mill extension at US 501, and in the south, i.e., in the vicinity of US 70; and
3. The Board of County Commissioners and City Council recommend that the Durham representatives on the Transportation Advisory Committee (TAC) to make a motion and advocate adoption at the TAC's next meeting that endorses the substitution and construction sequence described in the previous paragraphs (1 and 2); and
4. The Board of County Commissioners and City Council endorse the road construction performance standards and measures for mitigating water quality impacts from road construction that are listed in appendix three to this resolution, stipulate these standards and measures as the minimum that are necessary, and call for full funding and the most stringent adherence to these standards and measures; and
5. The Board of County Commissioners and City Council endorse a well-funded, inclusive planning process that within one year will develop a Durham Transportation Demand Management Plan which seeks to reduce travel by single-occupant vehicles by at least 10 percent in no more than five years; and
6. The Board of County Commissioners and City Council strongly recommend that the City and County jointly fund a Durham Transportation Demand Management Plan described in the previous paragraph (5) and seek federal and state funding to the maximum extent feasible.



## APPENDICES

Note: Appendix 1 is the map "Northern Durham Parkway: Preferred Conceptual Alignment."

### APPENDIX 2. DESCRIPTION AND DESIGN OF NORTHERN DURHAM PARKWAY AND ASSOCIATED ROAD IMPROVEMENTS

1. 4-lane Class I rural arterial (parkway) with 45MPH speed limit (capacity per direction of 19,700 ADT), limited access to newly-constructed segments, landscaped median and right of way, turn bays, bus pull-outs, sidewalks, facilities for bicycles, and maximum use of noise mitigation measures
2. Alignment begins at US-70 at proposed extension to Aviation Parkway and follows NCDOT's preferred alignment (alternative 3) to Hamlin Road
3. Alignment follows Hamlin Road to Red Mill Road, then follows Red Mill Road north
4. A new segment links Red Mill Road with Roxboro Road (Thoroughfare Plan alignment), extending across the Little River and passing north of existing Snow Hill Road
5. Alignment follows existing Roxboro Road/Duke Street south to I-85 and existing intersections are upgraded, as needed
6. Extend Carver Street as 3 lanes to link up with Hamlin Road at Old Oxford Road
7. Upgrade Old Oxford Road but retain 2-lane cross-section for this road, until demand warrants a wider cross-section.
8. Replace the Old Oxford Road bridge across the Eno River by a higher/longer span bridge to improve the river as a wildlife corridor
9. Relocate intersection of Snow Hill and Old Oxford Roads to a point north and east of the diabase glade sites (Thoroughfare Plan alignment)
10. Upgrade other existing intersections, using roundabouts where they are beneficial

### APPENDIX 3. ROAD CONSTRUCTION PERFORMANCE STANDARDS AND MEASURES FOR MITIGATING WATER QUALITY IMPACTS FROM ROAD CONSTRUCTION

1. Ensure complete protection of Penny's Bend and Snow Hill diabase glades
2. Prevention of adverse water quality impacts, prevention of adverse wetlands impacts, and full mitigation of water quality and wetlands impacts with penalties for poor performance by highway contractors
3. High Quality Waters best management practices (BMPs) for surface water protection throughout the entire corridor
4. NC Wildlife Commission biologist (at least one working full time) to help provide continuous surveillance of susceptible biota in Eno River and Little River and water quality, to help ensure that all possible steps are taken to protect the susceptible biota in Eno River and Little River and water quality, to help ensure that contractors incorporate all feasible prevention and mitigation measures during construction, and to help ensure proper maintenance of sediment control structures
5. Enhanced City/County protection against water quality impacts of secondary development and more City/County staff

6. Additional prevention and mitigation measures in the Durham Environmental Affairs Board's report *Environmental Impacts of the Proposed Northwest/Northeast Corridor*
7. Enhanced Stream Watch program for Eno River and tributaries
8. Routine, post-construction stream maintenance to remove trash



# NORTHERN DURHAM PARKWAY PREFERRED ALTERNATIVE TO ENO DRIVE MAY 1999



- Study Improvement
- Rare Plant Glades
- Rail Corridors
- Remove From TIP & TP
- New Construction
  - 2 Lanes
  - 4 Lanes
- Upgrade
  - 2 Lanes
  - 4 Lanes
- Existing Thoroughfares
- Existing Freeways
- Other Roads
- Eno River
- Rivers/Streams
- Lakes/Ponds
- Eno River State Park
- West Point City Park
- Other Conservation Lands
- Corps of Engineers Land
- Durham City Limits
- County Lines



MaryAnn E. Black  
*Chairman*  
615 Orindo Drive  
Durham, NC 27713

Ellen W. Reckhow  
*Vice-Chairman*  
11 Pine Top Place  
Durham, NC 27705



## COUNTY OF DURHAM BOARD OF COMMISSIONERS

William V. Bell  
1003 Huntsman Drive  
Durham, NC 27713

Joe W. Bowser  
9 Druid Place  
Durham, NC 27707

Becky M. Heron  
4425 Kerley Road  
Durham, NC 27705

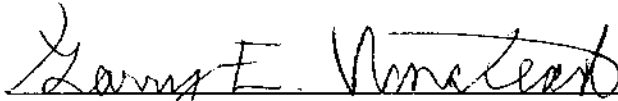
North Carolina  
Durham County

### CERTIFICATION

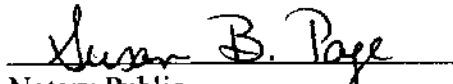
I, GARRY E. UMSTEAD, CMC, Clerk to the Board of County Commissioners for Durham County, being first duly sworn, do hereby certify that the attached is a true and accurate copy of the "RESOLUTION CONCERNING THE DURHAM NORTHWEST AND NORTHEAST LOOP ('ENO DRIVE') AND TO ENDORSE THE NORTHERN DURHAM PARKWAY AND INNOVATE MEASURES TO INCREASE TRANSPORTATION OPTIONS" adopted by the Durham County Board of Commissioners at its Regular Session held on June 14, 1999.

WITNESS my hand and corporate seal of Durham County this 18<sup>th</sup> day of June, 1999.

(SEAL)

  
GARRY E. UMSTEAD, CMC  
Clerk to the Board of County Commissioners

Sworn to and subscribed before me  
this 18<sup>th</sup> day of June, 1999.

  
Notary Public

My Commission expires: 12-20-2000  
Attachment



**RESOLUTION CONCERNING THE DURHAM NORTHWEST AND  
NORTHEAST LOOP ("ENO DRIVE") AND TO ENDORSE THE NORTHERN  
DURHAM PARKWAY AND INNOVATIVE MEASURES TO INCREASE  
TRANSPORTATION OPTIONS**

WHEREAS, the controversy over the Durham Northwest and Northeast Loop ("Eno Drive") has lasted more than three decades; and

WHEREAS, the Board of County Commissioners and City Council strongly encourage protection of the Eno River basin and parklands, Little River basin, Penny's Bend, rare plant habitats, and residential neighborhoods as transportation improvements are designed and implemented; and

WHEREAS, transportation solutions must include measures to increase transportation options by promoting alternatives to single-occupant vehicles; and

WHEREAS, the Board of County Commissioners and City Council have come to an agreement on the preferred solution to transportation problems in northeastern Durham.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AND CITY COUNCIL, DURHAM, NORTH CAROLINA, THAT:**

1. As the substitute for the Northwest and Northeast Loop (TIP Nos. R-2630 and R-2631) and proposed Durham Northern Freeway, the Board of County Commissioners and City Council endorse the Northern Durham Parkway and associated road improvements, as specifically described in the map and list that are attached as appendices to this resolution; and
2. The Board of County Commissioners and City Council endorse a sequence of road construction that simultaneously begins with construction in the north, i.e., in the vicinity of the proposed Red Mill extension at US 501, and in the south, i.e., in the vicinity of US 70; and
3. The Board of County Commissioners and City Council recommend that the Durham representatives on the Transportation Advisory Committee (TAC) to make a motion and advocate adoption at the TAC's next meeting that endorses the substitution and construction sequence described in the previous paragraphs (1 and 2); and
4. The Board of County Commissioners and City Council endorse the road construction performance standards and measures for mitigating water quality impacts from road construction that are listed in appendix three to this resolution, stipulate these standards and measures as the minimum that are necessary, and call for full funding and the most stringent adherence to these standards and measures; and

5. The Board of County Commissioners and City Council endorse a well-funded, inclusive planning process that within one year will develop a Durham Transportation Demand Management Plan which seeks to reduce travel by single-occupant vehicles by at least 10 percent in no more than five years; and
6. The Board of County Commissioners and City Council strongly recommend that the City and County jointly fund a Durham Transportation Demand Management Plan described in the previous paragraph (5) and seek federal and state funding to the maximum extent feasible.

**BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AND CITY COUNCIL, DURHAM, NORTH CAROLINA,** THAT copies of this Resolution, adopted this 14<sup>th</sup> day of June 1999, shall be transmitted to the Secretary of Transportation, Durham County's member of the State Board of Transportation, Durham City Council, Transportation Advisory Committee, and members of the Durham County Legislative Delegation.

## **APPENDICES**

Note: Appendix 1 is the map "Northern Durham Parkway: Preferred Conceptual Alignment."

### **APPENDIX 2. DESCRIPTION AND DESIGN OF NORTHERN DURHAM PARKWAY AND ASSOCIATED ROAD IMPROVEMENTS**

1. 4-lane Class I rural arterial (parkway) with 45MPH speed limit (capacity per direction of 19,700 ADT), limited access to newly-constructed segments, landscaped median and right of way, turn bays, bus pull-outs, sidewalks, facilities for bicycles, and maximum use of noise mitigation measures
2. Alignment begins at US-70 at proposed extension to Aviation Parkway and follows NCDOT's preferred alignment (alternative 3) to Hamlin Road
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AND MEASURES FOR MITIGATING WATER QUALITY  
IMPACTS FROM ROAD CONSTRUCTION**

1. Ensure complete protection of Penny's Bend and Snow Hill diabase glades
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3. High Quality Waters best management practices (BMPs) for surface water protection throughout the entire corridor
4. NC Wildlife Commission biologist (at least one working full time) to help provide continuous surveillance of susceptible biota in Eno River and Little River and water quality, to help ensure that all possible steps are taken to protect the susceptible biota in Eno River and Little River and water quality, to help ensure that contractors incorporate all feasible prevention and mitigation measures during construction, and to help ensure proper maintenance of sediment control structures
5. Enhanced City/County protection against water quality impacts of secondary development and more City/County staff
6. Additional prevention and mitigation measures in the Durham Environmental Affairs Board's report *Environmental Impacts of the Proposed Northwest/Northeast Corridor*
7. Enhanced Stream Watch program for Eno River and tributaries
8. Routine, post-construction stream maintenance to remove trash

## **Appendix C**

### **Northern Durham Parkway Agency Correspondence**

- Exhibit C-1 Letter from NCDOT to Agencies requesting comments (Includes list of agencies who received letter)
- Exhibit C-2 US Army Corps of Engineers Response Letter—May 12, 2000
- Exhibit C-3 North Carolina Division of Parks and Recreation Response Letter - May 22, 2000
- Exhibit C-4 North Carolina Wildlife Resources Commission Response Letter - May 23, 2000
- Exhibit C-5 North Carolina Division of Water Quality Response Letter - June 1, 2000
- Exhibit C-6 North Carolina Department of Cultural Resources Response Letter - August 8, 2000
- Exhibit C-7 US Army Corps of Engineers Response Letter - August 16, 2000



# FILE



## STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

DAVID MCCOY  
SECRETARY

April 12, 2000

«TITLE»  
«AGENCY»  
«ADDR1»  
«ADDR2»  
«CITYSTATEZIP»

Dear «SAL»:

SUBJECT: Feasibility Study for the Northern Durham Parkway, Durham Northwest Loop and Northeast Loop Corridor Study, State Project No.: 6.358001T (R-2630 & R-2631), Durham and Orange Counties.

The North Carolina Department of Transportation (NCDOT) has initiated a study to determine if a new route developed for the Durham Northwest and Northeast Loop is a reasonable and feasible alternate. This new alternate, the "Northern Durham Parkway", was developed by the Durham Joint City/County Planning Committee following the completion of the State Draft Environmental Impact Statement (DEIS).

The purpose of this letter is to solicit comments on the Northern Durham Parkway and to request updates to your comments regarding Alternate 3 presented in the DEIS. Subsequent to the DEIS, Alternate 3 was selected by NCDOT as the Preferred Alternative for the Durham Northwest and Northeast Loop, from Guess Road (NC 157) to US 70 at the Wake County line. West of Guess Road, additional corridors will be investigated to minimize or avoid impacts to the Eno River State Park.

If the Northern Durham Parkway is determined to be a reasonable and feasible alternate, a Supplemental State DEIS will be prepared. This Supplemental State DEIS will re-evaluate the Northwest and Northeast Loop Alternate 3 and the Northern Durham Parkway Alternate to identify the Least Environmentally Damaging Practicable Alternate.

To assist in this review, this letter includes information regarding the project history, purpose and need for the project, scope of the study, project area description, and project alternates. Exhibits showing the general project area and the alternate corridor locations are also included.



## **Project History**

In 1991, the NCDOT retained the private engineering firm of H. W. Lochner, Inc. to prepare a State DEIS on the proposed Durham Northwest Loop and Northeast Loop. The formal agency scoping comments and coordination for this project was initiated in October 1991.

During the initial development of the project alternatives, concern regarding the Eno River and the Eno River State Park was raised by state and federal agencies, the City of Durham, Durham County, local interest groups, and private citizens. Several build alternates, north and south, of the Eno River were developed and evaluated for the project. The project coordination, study alternates, and evaluations are included in the State DEIS approved October 26, 1994.

Following the Public Hearing and the review of public and agency comments, the NCDOT announced the selection of a preferred alternative in September 1997. As a result of changes in the Eno River State Park boundaries, the NCDOT determined that further corridor studies would be undertaken for the western portion of the project from I-85 to Guess Road. For the portion of the project east of Guess Road, the NCDOT selected Alternate 3 as the Preferred Alternative.

The City of Durham, Durham County, and several interest groups expressed their continued concern regarding the potential impacts to the Eno River and the Eno River State Park. In order to organize and resolve these concerns, the Durham Joint City/County Planning Committee (JCCPC) met and developed a build alternate they believe will best serve the Durham area. This alternate, called the Northern Durham Parkway, was endorsed by resolution in June 1999 by the Durham City Council and by the Durham County Board of County Commissioners. In late 1999, the NCDOT in conjunction with H. W. Lochner, Inc initiated a study of the Northern Durham Parkway to determine if it is a reasonable and feasible alternate requiring a more detailed evaluation.

## **Scope of Study**

The scope of this study will consist of a "fatal-flaw" investigation of the Northern Durham Parkway. The study will develop the corridor following the approximate location outlined by the Durham JCCPC. The potential impacts to the human and natural environment, will be quantified based on available data and used to determine if the corridor is reasonable and feasible.

## **Purpose and Need for the Project**

The Northwest and Northeast Loop is needed to reduce existing traffic congestion in and around the urban areas of north and east Durham and to increase the overall system capacity of the existing traffic network based on future projected travel demand. The project would provide a more direct route for commuter traffic originating in northwest and northeast Durham and destined for Research Triangle Park and the Raleigh Durham International Airport. The proposed roadway would provide an additional east/west facility in northern Durham and a north/south facility in eastern Durham for through traffic to bypass or circumnavigate portions of the City of Durham.

The Northern Durham Parkway Alternate is also intended to improve existing traffic congestion in and around the urban areas of north and east Durham while minimizing the impacts to the Eno River State Park. This Parkway would provide a more direct route for traffic traveling in northern Durham County to I-85 and US 70.

### **Description of General Area**

Durham County is located in the piedmont physiographic province of north central North Carolina. The topography of the area is slightly rolling with creek and river valleys incising the landscape. These valleys generally confine the associated floodplain and wetlands to the stream channels. Major water bodies in the project area include the Little River Reservoir, Eno River, Little River, and associated tributaries, Crooked Creek, Ellerbee Creek, Little Lick Creek, Lick Creek, Panther Creek, and Chunky Pipe Creek. Each of these water bodies flows into Falls Lake, an impoundment of the Neuse River constructed to provide drinking water to neighboring Wake County and the City of Raleigh. Falls Lake is located northeast and east of the project study area.

The project area is located in the northern portions of the Durham urban area that includes portions of the City of Durham and Durham County. There are four north/south-oriented roadways from the City of Durham that traverse the Eno River. Along these roadway corridors exist a mix of residential and commercial land uses. Between the developed roadway corridors, open space and agricultural land uses occur. Along the Eno River, a system of state and local parks have been established. Also located within the study corridor are small pockets of light industrial land uses and a gravel quarry. North of the Eno River, residential development is the dominant land use. Treyburn, a large residential and industrial community, is in process of developing at the crossing of Old Oxford Road, Teknika Parkway, and Red Mill Road just south of the Little River Reservoir. Residential and industrial sites are currently located in this area.

East of the project area, agricultural and low-density residential land uses occur. Southeast of the project area, and in close proximity to the east project termini, is Research Triangle Park. Also close to the project study area, southeast of the east project termini, is the Raleigh Durham International Airport. West and northwest of the project area is open space associated with the Eno River State Park system, low density residential housing, and agricultural land uses.

### **Description of Alternates**

Attached for your use is a map showing the corridor locations for both the Northwest and Northeast Loop and the Northern Durham Parkway alternates. Both alternates are proposed as four-lane arterial type roadways with at grade intersections at major road crossings and interchanges at interstate crossings. An interchange is also proposed at US 501 for the Northwest and Northeast Loop and will be evaluated for the Northern Durham Parkway.

The Northwest and Northeast Loop extends around the northern side of Durham from I-85 to US 70. From I-85 to Guess Road, the three build alternates, Alternates 1, 2, and 3, described in the State DEIS are still under consideration and may include future modifications to minimize impacts to the Eno River State Park. The general location of these alternates begin at I-85 west of the Orange County Line, extends north across the Orange/Durham County line, turns northeast

paralleling a portion of Sparger Road, and crosses Cole Mill Road. The Loop continues west crossing Rose of Sharon Road and Hillandale Road to connect with Guess Road.

From Guess Road to US 70, the Durham Northwest and Northeast Loop will follow the location of Alternate 3 described in the State DEIS. Alternate 3 is the Preferred Alternative for this portion of the project. The Preferred Alternative begins at Guess Road, crosses U.S. 501 and proceeds east parallel to Hebron Road. The Loop continues across Old Oxford Road and an unused "L-Line" of the Norfolk Southern Railroad before turning southeast to cross Hamlin Road and Ellerbee Creek. The loop then turns south extending across I-85, Cheek Road, Freeman Road, and parallels Mineral Springs Road across NC 98. From NC 98, the Loop continues south crossing Holder Road, Sherron Road, and Leesville Road to connect with U.S. 70 at the Wake County Line.

The Northern Durham Parkway begins at existing I-85 and extends north following Duke Street or Roxboro Road to where they merge into a single roadway north of Horton Road. The Parkway then follows existing Roxboro Road (US 501) to just north of Snow Hill Road before extending on new location east to tie to and follow existing Red Mill Road across the Eno River to Hamlin Road. The Parkway continues along existing Hamlin Road to connect with the proposed Northwest and Northeast Loop. The section of the Parkway from Hamlin Road to U.S. 70 will follow along the same location as the Preferred Alternative for the Northeast and Northwest Loop.

In order to investigate all social, economic, and environmental factors which may be involved with the alternates, the North Carolina Department of Transportation is distributing this letter to obtain any comments you may have relative to your area of expertise and concern. All input received will be considered in this feasibility study to determine if the Northern Durham Parkway is a reasonable and feasible alternate. Your updated comments on the Durham Northwest and Northeast Loop are also appreciated.

The North Carolina Department of Transportation would appreciate any comments you may wish to make on this project by May 12, 2000. If further information is needed, you may contact Mr. John Conforti, REM, NCDOT Project Planning Engineer at (919) 733-7844, extension 208.

Sincerely,

William D. Gilmore, P. E., Manager  
Project Development and Environmental Analysis

WDG/jc

Attachment

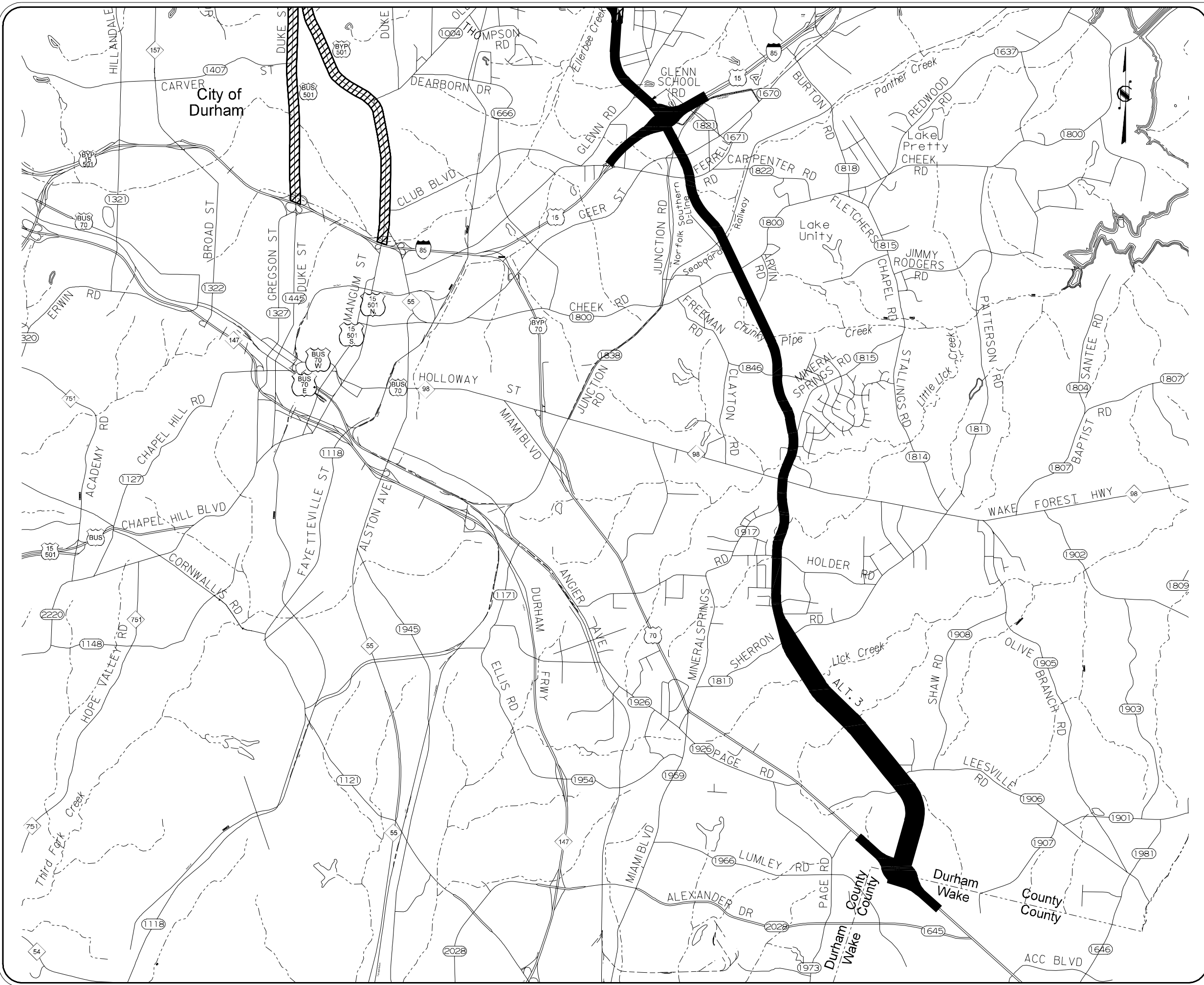




The image consists of two maps. The top map is a map of North Carolina showing all 100 counties. Durham County is highlighted with a thick black border. The bottom map is a detailed inset map of the Durham area, showing the boundaries of Durham, Orange, Granville, Wake, and Chatham counties. Major roads are shown with route numbers in shields: 15, 501, 85, 70, 40, 54, 55, 751, 147, 98, 56, 86, and 85. Landmarks include the City of Durham, Falls Lake, the City of Chapel Hill, and the Raleigh-Durham Airport. A compass rose is located in the bottom right corner of the inset map. Two labels with arrows point to specific areas: 'Northern Durham Parkway' points to a road in the northern part of Durham County, and 'NW and NE Loops' points to the major road loops in the central and eastern parts of Durham County.

## NW and NE Loops

## Project Vicinity



North Carolina  
Department of  
Transportation



# Durham Northwest and Northeast Loop Corridor Study

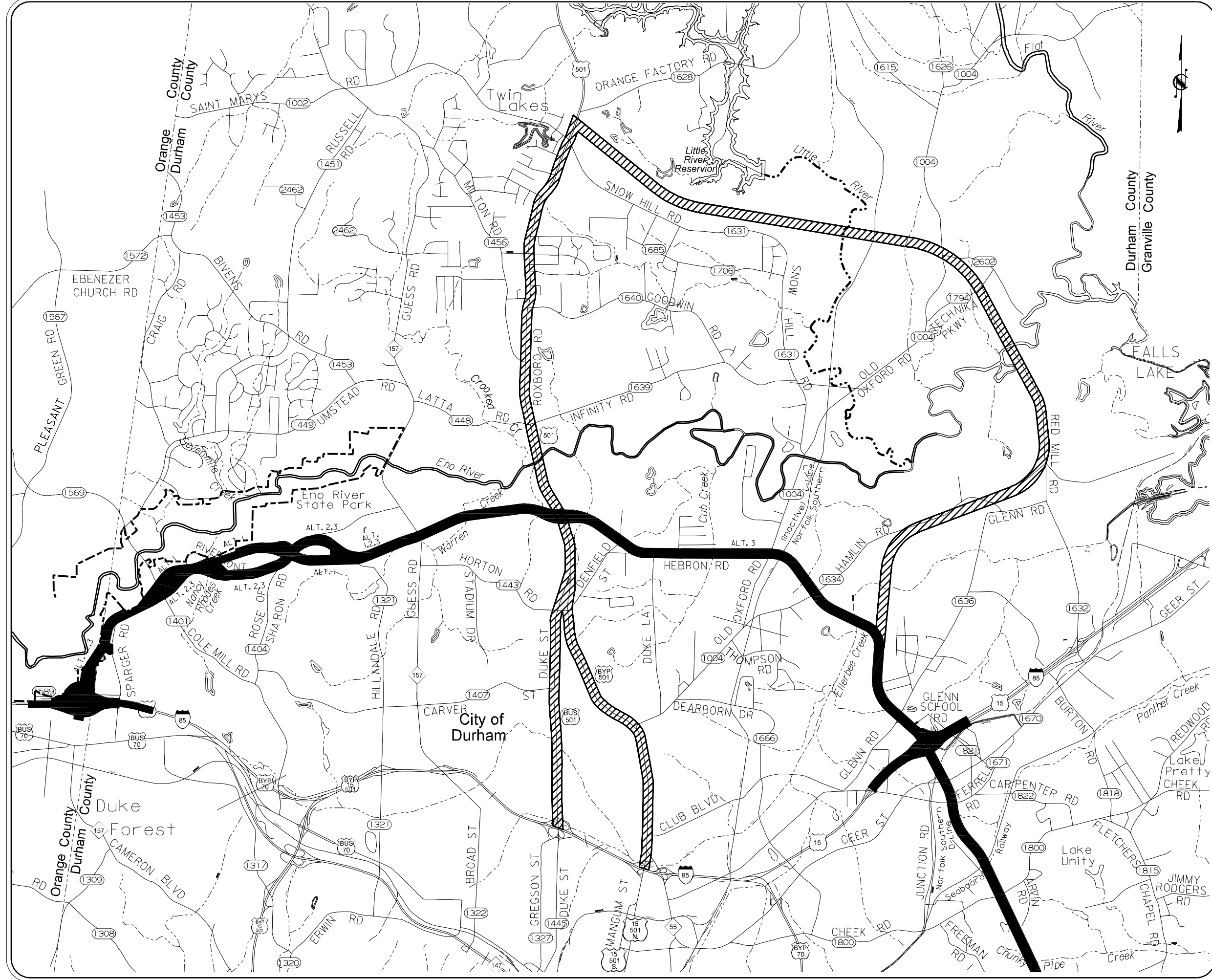


NORTHERN DURHAM  
PARKWAY CORRIDOR



NORTHWEST AND  
NORTHEAST LOOP  
CORRIDOR




Build Alternates



North Carolina  
Department of  
Transportation



# Durham Northwest and Northeast Loop Corridor Study

-  NORTHERN DURHAM PARKWAY CORRIDOR
-  NORTHWEST AND NORTHEAST LOOP CORRIDOR
-  ENO RIVER STATE PARK

Build Alternates

Director  
Department of Housing & Urban Development  
Greensboro Area Office  
2306 West Meadowview Road  
Greensboro, North Carolina 27407

Environmental Review Branch  
Environmental Protection Agency, Reg. IV  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Regional Director, Region IV  
Fish & Wildlife Service  
U. S. Department of the Interior  
1875 Century Boulevard NE #324  
Atlanta, Georgia 30345-3301

Field Supervisor  
Fish & Wildlife Service  
Fish & Wildlife Enhancement  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

District Chief  
Geological Survey  
3916 Sunset Ridge Road  
Raleigh, North Carolina 27607

National Park Service  
700 Northwestern Bank Building  
Asheville, North Carolina 28801

Regional Director, S.E. Region  
National Park Service  
Department of the Interior  
75 Spring St., SW  
Atlanta, Georgia 30303



Chief, East. Div. of Project Review  
Advisory Council on Historic Preservation  
The Old Post Office Building  
1100 Pennsylvania Ave., NW, #809  
Washington, D. C. 20004

Mr. Coleman Long  
U. S. Army Corps of Engineers  
Wilmington District Office  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Director, Regional Oper., Fac., Eng. & Cons.  
Department of Health & Human Services  
Public Health Service, Region VI  
1200 Main Tower, 18th Floor  
Dallas, Texas 75202

Mr. Eric Alsmeyer  
U. S. Army Corps of Engineers  
Raleigh Regulatory Field Office  
6508 Falls of the Neuse Road, Suite 120  
Raleigh, North Carolina 27615

Mr. David Franklin (DOT Coordinator)  
U. S. Army Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Dir., Office of Env. Policy & Compliance  
Department of the Interior  
Main Interior Building, MS 2340  
1849 C Street, NW  
Washington, D. C. 20240

Mr. Eric C. Michaux  
Post Office Box 2152  
Durham, North Carolina 27702

Mr. Charles Krautter, Executive Director  
Triangle J Council of Governments  
Post Office Box 12276  
Research Triangle Park, N. C. 27709

Ms. MaryAnn E. Black, Chairman  
Durham County Commissioner  
3206 Old Chapel Hill Road #200  
Durham, North Carolina 27707-3606

Mr. David F. Thompson  
Durham County Manager  
200 E. Main Street  
Durham, North Carolina 27701

Mr. Thomas J. White, President/CEO  
Greater Durham Chamber of Commerce  
Post Office Box 3829  
Durham, North Carolina 27702

The Honorable Nicholas J. Tennyson  
Mayor of Durham  
101 City Hall Plaza  
Durham, North Carolina 27701-3328

Mr. Wesley Parham, P.E., Transportation Engineer  
City of Durham - Transportation Div.  
101 City Hall Plaza, 4th Floor  
Durham, North Carolina 27701-0000

Ms. Becky Heron, TAC Chair-City of Durham DOT  
Attn: Mark Ahrendsen  
101 City Hall Plaza  
Durham, North Carolina 27701-0000

Mr. C. Lloyd Williamson  
Army Corps of Engineers - Wilmington District  
Office  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Mr. Floyd McKissick, Jr.  
Joint City-County Planning Commission  
101 City Hall Plaza  
Durham, North Carolina 27701-3328

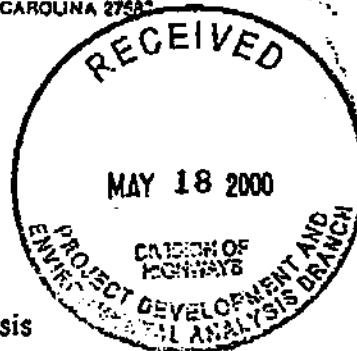
N. C. Botanical Garden  
University of North Carolina-Chapel Hill  
CB 3375, Totten Center  
Chapel Hill, North Carolina 27599-3375

NAME	AGENCY	AGENCY2	
Mrs. Chrys Baggett, Director	State Clearinghouse	Dept. of Administration	
Dr. Jeffrey J. Crow	Division of Archives and History	Dept. of Cultural Resources	
Mr. Gerald H. Knott, Section Chief	School Planning	Dept. of Public Instruction	
Mr. A. L. Hankins, Jr., P. E.	Hydraulics Unit		
Mr. W. D. Johnson	Roadside Environmental Unit		
Mr. W. L. Moore, III. P.G., P. E.	Geotechnical Unit Head		
Mr. Charles W. Brown, P. E., PLS	Location and Surveys Unit Head		
Mr. John B. Williamson, Jr.	Right of Way Branch Manager		
Mr. J. M. Lynch, P. E.	Traffic Engineering Branch		
Mr. Curtis Yates	Office of Bicycle & Pedestrian Transportation		
Mr. William H. Williams, Jr.	Director of Aviation Division		
Mr. J. D. Goins, P. E.	Chief Engineer - Operations		
Mr. James B. Harris, P. E.	Engineering Manager, Rail Division		
Mr. David Hinnant, State Railroad Agent	Utilities Section	Right of Way Branch	
Mr. John Hennessy	Division of Water Quality/Wetlands	1621 Mail Service Center	
Mr. David Cox	N. C. Wildlife Resources Comm.		
Mr. Jon G. Nance	Division Engineer, Division 5		



DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
FALLS LAKE  
11405 FALLS OF THE NEUSE ROAD  
WAKE FOREST, NORTH CAROLINA 27587

IN REPLY REFER TO



May 12, 2000

Mr. William D. Gilmore  
Project Development and Environmental Analysis  
North Carolina Department of Transportation  
Post Office Box 25201  
Raleigh, North Carolina 27611

SUBJECT: Comments on Northern Durham Parkway, Durham Northwest Loop and  
Northeast Loop Corridor Study

Dear Mr. Gilmore:

We received your letter soliciting comments on the new route proposed for the Durham Northwest and Northeast Loop and have reviewed the information you provided. The following comments are provided relative to the proposal's potential impacts on Falls Lake and surrounding public lands.

The proposed alignment of the Northern Durham Parkway crosses portions of Falls Lake at Ellerbee Creek, the Eno River and U.S. Army Corps of Engineers lands surrounding Red Mill Road. The lands in this area are leased to the State of North Carolina and managed by the North Carolina Wildlife Resources Commission (NCWRC). We have consulted with the NCWRC as our management partners in this area, and concur with their objections to the proposed alignment.

The public lands surrounding Falls Lake in the study area (as well as many of the lands elsewhere on the lake) are being managed as mitigation lands for the construction of the lake per an agreement between the Corps and the U.S. Fish and Wildlife Service. This mitigation status requires that the lands be managed for wildlife habitat and public access, which would be negatively impacted by the proposed road construction. We are also concerned about negative impacts to registered Natural Heritage Areas "that contain numerous rare plant species), flood storage, significant cultural resources, and wetlands and water quality in Falls Lake.



The environmental concerns that were expressed during development of the Durham Loop Draft Environmental Impact Statement about routes crossing the Corps of Engineers mitigation lands remain valid. We do not support alternatives that cross the public lands and waters at Falls Lake.

4

We appreciate the opportunity to provide these comments and are available to discuss this matter if needed. I may be reached at the Falls Lake office at (919) 846-9332 or at Jordan Lake at (919) 542-4501.

Sincerely,



Steve Brown  
Operations Manager  
Falls / Jordan



NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF PARKS AND RECREATION

May 22, 2000

MEMORANDUM

TO: Melba McGee  
FROM: Stephen Hall *SH*  
SUBJECT: Scoping -- Northern Durham Parkway  
REFERENCE: 00E-0533

The Division continues to oppose the portion of Alternative 3 located west of Roxboro Road due to the likelihood of significant direct, secondary, and cumulative impacts to the Eno River State Park.

The proposed Northern Durham Parkway appears to have few impacts to rare species or Significant Natural Heritage Areas, although it is unclear from the enclosed map whether the Parkway will cross Corps lands along the Little River or Ellerbee Creek. We also cannot determine whether the Eno crossing -- which appears to be on a new alignment -- is located within the permanently impounded portion of Falls Lake or lies within only seasonally inundated floodplain habitats. Any taking of Corps lands for this project would be of potential concern and the above points need to be clarified.

5



1515 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27605-1515  
PHONE 919-733-4151 FAX 919-713-3065

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## North Carolina Wildlife Resources Commission

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391  
Charles R. Fullwood, Executive Director

### MEMORANDUM

TO: Melba McGee  
Office of Legislative and Intergovernmental Affairs, DENR

FROM: David Cox, Highway Project Coordinator  
Habitat Conservation Program *David Cox*

DATE: May 23, 2000

SUBJECT: Request for information from the N. C. Department of Transportation (NCDOT) regarding fish and wildlife concerns for the Feasibility Study for the Northern Durham Parkway and Northeast Loop Corridor Study, Durham and Orange counties, North Carolina. TIP No. R-2630 & R-2631, SCH Project No. 00-E-0533.

This memorandum responds to a request from Mr. William D. Gilmore of the NCDOT for our concerns regarding impacts on fish and wildlife resources resulting from the subject project. Biologists on the staff of the N. C. Wildlife Resources Commission (NCWRC) have reviewed the proposed improvements. Our comments are provided in accordance with certain provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

We have several concerns regarding the subject project. We are especially concerned about the route shown for the Northern Durham Parkway Corridor. It appears that the route shown in the maps would have numerous stream crossings which empty into Falls Lake. Most of these crossings will involve wetland impacts. These streams are all in the Neuse River basin and have mandatory buffer requirements. The property along the shoreline of Falls Lake is public lands held by the U.S. Army Corps of Engineers and leased to the NCWRC for enrollment in the Game Lands Program as public recreational areas. This route fragments a section estimated to be approximately 1000 acres from the main portion of the Butner-Falls of the Neuse Game Lands. Habitat connectivity is a key component in these lands. This property was set aside to mitigate for the property that was lost when Falls Lake was flooded. It is likely that substantial replacement lands would be required for any land taken by NCDOT right of way and any land, which is isolated by the new roadway, may also require replacement.

The Northern Durham Parkway also has the potential to spur additional development in areas adjacent to the Game Lands. This may cause problems with

management as many sections of these lands are managed through controlled burns. Dense smoke caused by these burns can create a hazard to motorists and is sometimes a nuisance to adjacent property owners. The result of increased adjacent development is unmanageable portions of property, which can not be utilized to the fullest potential.

9 cont.

In areas of dense adjacent development, NCWRC is under increased pressure to limit certain uses of Game Lands. These lands are open to the public for hunting. Often when development borders Game Land property, residents and homeowner associations ask that hunting be restricted to areas away from their property. This devalues the game land for one of its primary purposes. These same groups also ask for easements for utility lines and private roads to cross Game Lands to reduce the costs of providing these services to their constituents. This can further fragment and devalue these lands.

10

We would be opposed to an alignment of the Northern Durham Parkway which crosses Falls Lake project lands and brings the potential for additional impacts to NCWRC Game Lands. Routes to the west of this property should be thoroughly evaluated.

11

In addition to our comment above, to help facilitate document preparation and the review process, our general informational needs are outlined below:

1. Description of fishery and wildlife resources within the project area, including a listing of federally or state designated threatened, endangered, or special concern species. Potential borrow areas to be used for project construction should be included in the inventories. A listing of designated plant species can be developed through consultation with:

The Natural Heritage Program  
N. C. Division of Parks and Recreation  
1615 Mail Service Center  
Raleigh, N. C. 27699-1615  
(919) 733-7795

and,

NCDA Plant Conservation Program  
P. O. Box 27647  
Raleigh, N. C. 27611  
(919) 733-3610

2. Description of any streams or wetlands affected by the project. The need for channelizing or relocating portions of streams crossed and the extent of such activities.
3. Cover type maps showing wetland acreages impacted by the project. Wetland acreages should include all project-related areas that may undergo hydrologic change as a result of ditching, other drainage, or filling for project construction. Wetland identification may be accomplished through coordination with the U. S. Army Corps of Engineers (COE). If the COE is not consulted, the person delineating wetlands should be identified and criteria listed.



4. Cover type maps showing acreages of upland wildlife habitat impacted by the proposed project. Potential borrow sites should be included.
5. The extent to which the project will result in loss, degradation, or fragmentation of wildlife habitat (wetlands or uplands).
6. Mitigation for avoiding, minimizing or compensating for direct and indirect degradation in habitat quality as well as quantitative losses.
7. A cumulative impact assessment section which analyzes the environmental effects of highway construction and quantifies the contribution of this individual project to environmental degradation.
8. A discussion of the probable impacts on natural resources which will result from secondary development facilitated by the improved road access.
9. If construction of this facility is to be coordinated with other state, municipal, or private development projects, a description of these projects should be included in the environmental document, and all project sponsors should be identified.

Thank you for the opportunity to provide input in the early planning stages for this project. If we can further assist your office, please contact me at (919) 528-9886.

cc: Eric Alsmeyer, USACOE, Raleigh  
Tom McCartney, USFWS, Raleigh  
John Hennessey, DWQ, Raleigh

State of North Carolina  
Department of Environment  
and Natural Resources  
Division of Water Quality



James B. Hunt, Jr., Governor  
Bill Holman, Secretary  
Kerr T. Stevens, Director

June 1, 2000

**MEMORANDUM**

To: Melba McGee  
Through: John Dorney  
From: John Hennessy  
Subject: Comments on the EA/Feasibility Study for the Northern Durham Parkway, Durham Northwest Loop and North east Corridor Study, State Project No. 6.358001T, TIP Project No. R-2630 & R-2631, DENR Project Number 00E-0533.

This office has reviewed the referenced document. The Division of Water Quality (DWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities that impact Waters of the U.S., including wetlands. It is our understanding that the preferred alternative, as presented in the EA, will result in impacts to multiple jurisdictional wetlands and streams. The DWQ offers the following comments based on review of the aforementioned document:

- A) The alternative as presented do not appear to function in a manner consistent with the stated purpose and need. The stated purpose and need states: "... provide an additional east/west facility in northern Durham". The alternative, as presented, provides for an upgrade of US 501 (a north/south corridor), then provides for a new location facility that redirects traffic southeasterly to I-85. The alternative does not move traffic in an east/west direction. Due to the circuitous route of the proposed project, the DWQ believes the project lacks independent utility. 12
- B) The upgrade of US 501 may be appropriate as another independent project to improve north/south movements due to traffic deficiencies. However, the DWQ does not believe that the proposed new location segment will provide any tangible traffic improvements relative to the anticipated impacts. 13
- C) The new location segment of the proposed alternative would have significant deleterious impacts to natural resources. It would involve impacts to municipal water supplies including Falls Lake and Little River Reservoirs. The project would require significant impacts to Neuse Riparian Buffers. Moreover, the project would require a new crossing of the Eno River and would impact existing State-managed Gamelands adjacent to Falls Lake. 14 15

- D) Prior to impacting high quality natural resources, we need to ensure the transportation benefits derived from the project are sufficient. To that end, further analysis of the proposed alternative should include a discussion on the existing traffic deficiencies the alternative is designed to improve. A discussion on the desired objectives and goals for the road system in North and Northeast Durham and how this project fits into the long-range plan should be integrated into the discussion. The discussion should include a comprehensive discussion on the anticipated Level-of-Service for the entire road network for design year. The discussion should include both the no build and build alternatives.
- E) After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. Based on the impacts described in the document, wetland mitigation will be required for this project. Should the impacts to jurisdictional wetlands exceed 1.0 acres, mitigation may be required in accordance with NCDWQ Wetland Rules (15A NCAC 2H.0506 (h)(2)).
- F) In accordance with the NCDWQ Wetlands Rules (15A NCAC 2H.0506(b)(6)), mitigation will be required for impacts of greater than 150 linear feet to any single perennial stream. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. In accordance with the NCDWQ Wetlands Rules (15A NCAC 2H.0506 (h)(3)), the Wetland Restoration Program may be available for use as stream mitigation.
- G) In accordance with the Neuse River Riparian Buffer Rules (15A NCAC 2B.0233), mitigation will be required for some to Neuse River Riparian Buffers. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. In accordance with the Neuse River Riparian Buffer Rules (15A NCAC 2B.0233), the Wetland Restoration Program may be available for use as buffer mitigation.
- H) Where streams must be crossed, the DWQ prefers bridges be used in lieu of culverts. However, we realize that economic considerations often require the use of culverts. Please be advised that culverts should be countersunk to allow unimpeded passage by fish and other aquatic organisms. Moreover, in areas where high quality wetlands or streams are impacted, a bridge may prove preferable. When applicable, DOT should not install the bridge bents in the creek, to the maximum extent practicable.
- I) Sediment and erosion control measures should not be placed in wetlands.
- J) Borrow/waste areas should avoid wetlands to the maximum extent practicable. Impacts to wetlands in borrow/waste areas could precipitate compensatory mitigation.
- K) The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater should not be permitted to discharge directly into the creek. Instead, stormwater should be designed to drain to a properly designed stormwater detention facility/apparatus.
- L) There should be a discussion on mitigation plans for unavoidable impacts. If mitigation is required, it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. While the NCDWQ realizes that this may not always be practical, it should be noted that for projects requiring mitigation, appropriate mitigation plans will be required in conjunction with the issuance of a 401 Water Quality Certification.
- M) Future documentation should include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.

- N) Based on the information presented in the document, the magnitude of impacts to wetlands and streams will require an Individual Permit application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection of water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the NCDOT and written concurrence from the NCDWQ. Please be aware that any approval will be contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.

The NCDWQ appreciates the opportunity to provide comments on your project. Should you have any questions or require any additional information, please contact John Hennessy at (919) 733-5694.

cc: Eric Alsmeyer, Corps of Engineers  
Tom McCartney, USFWS  
David Cox, NCWRC  
Steve Mitchell, NCDWQ Regional Office  
Personal Files  
File Copy

Conflict



# North Carolina Department of Cultural Resources

State Historic Preservation Office

David L. S. Brook, Administrator

James B. Hunt Jr., Governor  
Betty Ray McCain, Secretary

August 8, 2000

Division of Archives and History

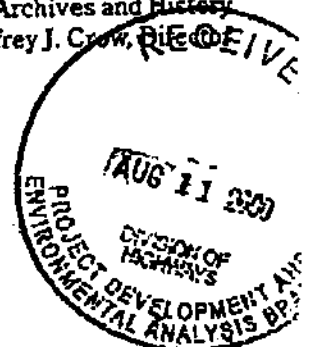
Jeffrey J. Crow, **RECEIVED**

## MEMORANDUM

TO: William D. Gilmore, P.E., Manager  
Project Development and Environmental Analysis Branch

FROM: David Brook *for David Brook*  
Deputy State Historic Preservation Officer

Re: Feasibility Study for the Northern Durham Parkway, Durham Northwest Loop and  
Northeast Loop Corridor Study, TIP No. R-2630 & R-2631, Durham and Orange  
Counties, 09-5-4220-0533



Thank you for your letter of April 12, 2000, concerning the above project.

We have conducted a search of our maps and files and have located the following structures of historical or architectural importance within the general area of the project.

Fairtosh Plantation (DH 1), located on the east side of the junction of SR 1004 and SR 1632. This property is listed in the National Register of Historic Places.

West Point Milt Street, West Point Mill, West Point McCown-Mangum (DH 519-521), located on the west side of Roxboro Road on the south bank of the Eno River. These properties are listed in the National Register of Historic Places.

Bonnie Brae Farm (DH 515), located at 4002 Roxboro Road. This property is listed on the State Study List.

Benehan-Cameron Plantation (DH 2169), this property has been determined eligible for the National Register.

Belvin Place (DH 2166), located on the west side of SR 1632, 0.5 mile east of SR 1004.

Cox-Pope House (DH 2260), located on the east side of US 501, 0.4 mile south of its junction with SR 1002.

17

ADMINISTRATION  
ARCHAEOLOGY

Location  
507 N. Blount St., Raleigh NC  
421 N. Blount St., Raleigh NC

Mailing Address  
4617 Mail Service Center, Raleigh NC 27699-4617  
4619 Mail Service Center, Raleigh NC 27699-4619

Telephone/Fax  
(919) 733-4763 • 733-8653  
(919) 733-7342 • 715-2671  
(919) 733-6547 • 715-4801



Flintom House (DH 2300), located on the west side of US 501, 0.4 mile north of its junction with SR 1456.

Hardcastle House (DH 2338), located on the east side of SR 1632, 0.4 mile north of its junction with SR 1634.

Dr. Edwin Holt House (DH 2342), located on the north side of SR 1628, 0.5 mile east of its junction with US 501.

Frank Hogan Store (DH 2363), located on the west side of US 501, 0.5 mile north of its junction with SR 1640.

Lipscombe House (DH 2407), located on the northwest corner at the junction of SR 1002 and US 501.

Northern 76 Service Station (DH 2478), located on the west side of US 501, 0.8 mile north of its junction with SR 1614.

Orange Grove Baptist Church (DH 2488), located on the east side of US 501, 0.1 mile south of its junction with SR 1640.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, Environmental Review Coordinator, at 919/733-4763.

DB:kgc

cc: Mary Pope Furr

Bc: Brown/Montgomery  
County  
RF

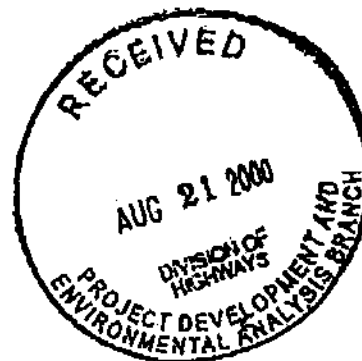


DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

August 16, 2000

IN REPLY REFER TO

Planning Services Section



Mr. William D. Gilmore, P.E., Manager  
Project Development and  
Environmental Analysis  
North Carolina Division of Highways  
Post Office Box 25201  
Raleigh, North Carolina 27611-5201

Dear Mr. Gilmore:

This is in response to your letter of April 12, 2000, requesting comments on the "Feasibility Study for the Northern Durham Parkway, Durham Northwest Loop and Northeast Loop Corridor Study, State Project No.: 6,358001T (R-2630 & R-2631), Durham and Orange Counties" (Regulatory Division Action I.D. No. 199501068).

Our comments involve impacts to flood plains and jurisdictional resources that include waters, wetlands, and U.S. Army Corps of Engineers projects. Enclosed are our comments on these issues.

We appreciate the opportunity to comment on this project. If we can be of further assistance, please contact us.

Sincerely,

W. Coleman Long  
Chief, Planning and  
Environmental Branch

Enclosure

**U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT, COMMENTS ON:**

"Feasibility Study for the Northern Durham Parkway, Durham Northwest Loop and Northeast Loop Corridor Study, State Project No.: 6.358001T (R-2630 & R-2631), Durham and Orange Counties" (Regulatory Division Action I.D. No. 199501068)

**1. FLOOD PLAINS: POC - Mr. Bobby L. Willis, Planning Services Section, at (910) 251-4728**

Based on several panels of the February 1996 Durham County, North Carolina and Incorporated Areas Flood Insurance Rate Map (FIRM), one detailed and several approximate study streams appear to be crossed by the proposed Northern Durham Parkway Corridor. The detailed study stream is Ellerbe Creek, and the approximate streams include the Eno River, Cabin Branch, and Little River. The Durham Northwest and Northeast Loop Corridor (DNNLC) appears to cross several detailed study streams, including Eno Tributary, Warren, Ellerbe, Chunky Pipe, and Little Lick Creeks, and Little Lick Creek Tributary 1B. Approximate streams crossed by the DNNLC include Club Creek (Eno Tributary 1 on the FIRM), Eno Tributary, Panther Creek and tributaries, Lick Creek, and an unnamed stream near the eastern terminus of the proposed corridor.

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We refer you to the Federal Emergency Management Agency's "No-Rise" requirements, as noted in information we have sent previously to your office. The project should be designed to comply with the requirements of the National Flood Insurance Program and all local ordinances.

**2. WATERS AND WETLANDS: POC - Mr. Eric Alsmeyer, Regulatory Project Manager, Raleigh Field Office, Regulatory Division at (919) 876-8441, Extension 23**

a. Prior Department of the Army permit authorization, pursuant to Section 404 of the Clean Water Act of 1977, as amended, will be required for the discharge of excavated or fill material into waters and/or wetlands in conjunction with this project, including temporary impacts for construction access or bridge demolition, and the disposal of construction debris.

b. Review of the project indicates that the proposed work may involve the discharge of excavated or fill material into waters and wetlands. When final plans are completed, including the extent and location of any work within waters of the United States and wetlands, our Regulatory Division would appreciate the opportunity to review these plans for a project-specific determination of Department of the Army permit requirements. These plans should include temporary impacts from any necessary construction access. If there are only minor impacts to waters, including wetlands, the work might be authorized under one or more nationwide or regional general permits provided avoidance and minimization are adequately addressed.

c. The U.S. Army Corps of Engineers (Corps) must assess the impacts of such activities on the aquatic environment prior to issuing Department of the Army permits. Authorization of aquatic fill activities requires that the project be water dependent and/or that no practicable alternatives are available. Our initial review emphasis for North Carolina Department of Transportation (NCDOT) projects will focus on the impacts to waters and/or wetlands. However, if degradation to other aspects of the natural environment (e.g., habitat of endangered species) is considered to be of greater concern, an alternative resulting in greater aquatic losses may be chosen as preferred.

d. In all cases, and in accordance with the Memorandum of Agreement between the U.S. Environmental Protection Agency and the Corps, the sequencing process of avoidance, minimization, and compensatory mitigation of unavoidable wetland impacts will be satisfied prior to the final permit decision. A Department of the Army permit will not be issued until a final plan for compensatory mitigation is approved. Mitigation for stream impacts may also be required.

e. Regarding the alternatives to be studied, it is not clear in the material presented how the Northern Durham Parkway (NDP) fits in with the purpose and need of the Northwest/Northeast Loop. If it is being considered as an alternative that would replace the portion of Alternative 3 between US 501 and Ellerbe Creek, then based on the information available at this time, the Corps prefers Alternative 3 to the NDP, because Alternative 3 would not require new crossings of the Little River and the Eno River, and appears to be less likely to impact environmentally sensitive areas within or adjacent to the Falls Lake property. If the NDP is being considered in addition to Alternative 3 between US 501 and Ellerbe Creek, then the Corps recommends that the NDP be evaluated independently of the Northwest/Northeast Loop.

f. In addition, by letter dated May 12, 2000, the Corps Falls Lake Office responded to NCDOT's April 12, 2000, request for comments. That letter stated objections to the proposed alignment for the NDP, and to any alternatives that cross the public lands and waters at Falls Lake, and stated concerns regarding negative impacts that the proposed highway would have to Falls Lake lands managed for wildlife habitat and public access, and to other resources on the Falls Lake property. NCDOT will have to address the Falls Lake Office's concerns and objections in any permit applications for alternatives that cross the Falls Lake property, and obtain all required real estate approvals from the Corps prior to completion of the Corps permit process.

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g. Also, we reiterate the statement in our February 10, 1995, comments on the DEIS for the Northwest/Northeast Loop, that NCDOT should coordinate closely with the North Carolina Department of Cultural Resources, so the Corps can ensure compliance with Section 106 of the National Historic Preservation Act.

h. The Corps recommends that the further evaluation of this project be done within the 404/NEPA merger process.

Questions or comments pertaining to permits may be directed to Mr. Eric Alsmeyer at the above telephone number or at the following Web page: <http://www.saw.usace.army.mil/wetlands/regtour.htm>.

**3. U.S. ARMY CORPS OF ENGINEERS PROJECTS: POC – Mr. Steve Brown, Falls/Jordan Lakes Operations Manager at (919) 846-9332 (Falls) or (919) 542-4501 (Jordan)**

We refer you to our comments contained in our May 12, 2000, letter to you on this project, as noted in Mr. Alsmeyer's comments, and welcome any discussion that is needed by contacting me at one of the listed telephone numbers.